



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 1250 OF 2023

IN

CRIMINAL APPEAL NO.779 OF 2023

Rakesh s/o Rajkumar Panchabudhe

Vs.

State of Maharashtra, through PSO, PS Kardha, Distt. Bhandara

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr A.M. Balpande, Advocate (appointed) for the appellant.

Ms R.V. Sharma, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 20.06.2024

Heard learned Advocate for the appellant and
learned APP for the respondent/State.

2. This is an application filed by the
appellant/accused for suspension of his sentence and grant
of bail.

3. The maximum sentence awarded is three years
imprisonment for the offence punishable under Section
12 of Protection Of Children from Sexual Offences Act,
2012 (POCSO Act). The accused has been convicted on
other counts as well.

4. It is stated that the accused has been in jail for 1½ years. It is stated that the accused has good case on merit. The appeal may take its own time and therefore, the sentence may be suspended.

5. I have heard learned Advocate for the appellant and learned APP for the State. I have gone through the record and proceedings.

6. The accused has been in jail for last 1½ years. The maximum sentence awarded by the learned Special Judge is three years rigorous imprisonment. The appeal is of the year 2023. It may take its own time for final adjudication. Therefore, considering the quantum of sentence and the fact that there is no likelihood of deciding the appeal in near future. It would be just and proper to suspend the sentenced.

7. Accordingly, the application is allowed.

i) The substantive sentence awarded by the Special learned Judge vide judgment and order dated 23.01.2023 in Special Case (Child Protection) No.18/2021 shall remain suspended during pendency of the appeal.

ii) Appellant Rakesh Rajkumar Panchabudhe be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) and one surety in the like amount.

iii) The surety be submitted before the Trial Court.

8. Criminal Application stands disposed of.

(G. A. SANAP, J.)

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