



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.475 OF 2024
IN
CRIMINAL APPEAL NO. 271 OF 2024

Aditya s/o Rupesh Thool

Vs.

State of Maharashtra, Through Police Station Officer Sawangi (Meghe)
District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. R. R. Gajbhiye, Advocate for appellant.
Mr. A. B. Badar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2024

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The appellant was prosecuted for the offence punishable under Section 452, 354 of IPC and under Section 8 of Protection of Children from Sexual Offences Act. The learned trial Court after appreciation of evidence held the appellant guilty for the offence punishable under Section 8 and sentenced him to suffer rigorous imprisonment for three years and fine of Rs.5000/- in default SI for three months. The appellant is further convicted for the offence punishable under Section 452 of IPC and sentenced to suffer to rigorous imprisonment for one year and fine of Rs.1000/- in default S.I. for one month and for the offence punishable under Section

354 of IPC and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/- in default to suffer further S.I. for three months.

3. Learned Counsel for the appellant submitted that the punishment imposed on the present appellant is of a limited period. The appeal would take its own time for its final decision. In the mean time, if sentence is executed, the appeal will become infructuous. She further submitted from the impugned judgment that appellant has arguable points in the present appeal, but it will take its own time and in view of that, the executive of sentence be suspended.

4. Learned APP strongly opposed the said application on the ground that the appeal is devoid of merits and therefore, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the impugned judgment from which learned Counsel for the appellant pointed out that she has many arguable points in the present appeal, but considering the appeal will take its own time for its final decision and if, in the meanwhile sentence is executed, the irreparable loss will cause to the present appellant and appeal will become infructuous. In view of that

the execution of sentence deserves to be suspended. Accordingly, I proceed to pass following order.

ORDER

- (i) Execution of sentence is hereby suspended till disposal of the appeal.
- (ii) The appellant shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The application is disposed of.

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- 1. Heard.
- 2. **Admit.**
- 3. Learned APP waives notice for the State.
- 4. Call for record and proceedings.
- 5. Appeal be placed before this Court after preparation of paper book.

(URMILA JOSHI-PHALKE, J.)