



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

CRIMINAL APPLICATION (APPA) NO. 606 OF 2024

IN

CRIMINAL APPEAL NO. 335 OF 2024

Yogesh S/o. Bhanudas Wadal

Vs.

The State of Maharashtra, thr. PSO Asegaon, Tq. Chandur Bazar, Dist. Amravati

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

Court's or Judge's orders

Mr. V.R. Deshpande, Advocate for the Applicant/Appellant.

Ms. R.V. Sharma, APP for the Non-applicant/Respondent.

CORAM : G. A. SANAP, J.

DATED : 5th AUGUST, 2024.

1. The reply submitted today by the learned APP is taken on record.

2. Heard learned advocate for the appellant/accused and learned APP for the respondent/State.

3. The appellant has made this application for suspension of his substantive sentence awarded by the learned Additional Sessions Judge, Achalpur. The accused has been convicted for the offences punishable under Section 354-A of the Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012. On each count, he has been sentenced to undergo rigorous imprisonment for three years and to pay the fine.

4. Learned advocate for the appellant/accused submits that the accused has a good case on merits. Learned advocate

submits that the appellant/accused has deposited the fine amount. The grounds of challenge to the judgment and order have been set out in the memo of appeal.

5. I have perused the judgment and order and the grounds of appeal. It needs to be stated that this appeal may take some time for disposal. The sentence is three years rigorous imprisonment. In my view, considering the facts and circumstances and the quantum of the sentence, it would be just and proper to grant this application.

6. Accordingly, the application is **allowed**.

i] The substantive sentence, i.e., rigorous imprisonment for 3 years for the offences punishable under Section 354-A of the IPC and under Section 8 of the POCSO Act awarded by the learned Additional Sessions Judge, Achalpur in Special Case No.32/2014, shall remain suspended during the pendency of the appeal.

ii] Appellant/accused – Yogesh S/o. Bhanudas Wadal be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

iii] The bail before the Trial Court.

7. The application stands disposed of accordingly.

(G. A. SANAP, J.)

Vijay