



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

CRIMINAL APPLICATION [APPA] NO. 947 OF 2024

IN

CRIMINAL APPEAL NO. 540 OF 2024

SAHIL S/o GAJANAN SHIRSAT

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., PULGAON, DIST. WARDHA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Rajnish R. Vyas, Advocate for the applicant.
Mr. Piyush P. Pendke, A.P.P. for the non-applicant /State

CORAM : G. A. SANAP, J.

DATE : OCTOBER 15, 2024.

1. Heard learned advocate for the appellant and learned Additional Public Prosecutor for the State. Perused the record and proceedings.
2. This is an application for suspension of substantive sentence and for grant of bail.
3. The appellant/applicant, on conviction, has been sentenced to suffer maximum imprisonment for five years for the offences punishable under Section 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "the POCSO Act"). He is also sentenced for other offences. The sentences have been directed to run concurrently.

4. It is stated that the appellant has a good case on merits. The evidence on record has not been properly appreciated. The appeal may take its own time for disposal and therefore, considering the quantum of the sentence, incarceration of the appellant for indefinite period is not warranted. It is stated that if the appellant is not released from jail, then considering the maximum term sentence of five years, his appeal may become infructuous.

5. Learned APP submitted that on the basis of the evidence, the birth date of the victim has been proved. The evidence of the victim has been corroborated by the evidence of her grandmother. It is submitted that no case has been made out for suspension of substantive sentence.

6. I have gone through the record and proceedings. It is not out of place to state that the appeal may take its own time for adjudication. The sentence awarded under Section 10 of the POCSO Act is five years imprisonment. The sentences on other counts are directed to run concurrently. In my view, therefore, it would be just and proper to grant this application.

7. Accordingly, the application is allowed.

8. The substantive sentence awarded by the learned Additional Sessions Judge, Wardha in Special (POCSO)

Case No. 58/2023 vide judgment and order 21.09.2024, shall remain suspended during pendency of this appeal.

9. Applicant – Sahil S/o Gajanan Shirsat be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount. Bail be furnished before the trial Court.

10. The application stands disposed of in the aforesaid terms.

(G. A. SANAP, J.)

Diwale