



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

CRIMINAL APPLICATION [APPA] NO. 971 OF 2024
IN
CRIMINAL APPEAL NO. 555 OF 2024

VIJAY NAMDEO KOTRANGE

VERSUS

STATE OF MAH. THRU. P.S.O., P.S., DURGAPUR, DIST. CHANDRAPUR

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

Court's or Judge's Order

Mr. A. D. Hajare, Advocate for the appellant.
Ms. Sonia Thakur, A. P. P. for the respondent /State

CORAM : G. A. SANAP, J.

DATE : NOVEMBER 25, 2024.

1. Heard Mr. A. D. Hajare, learned advocate for the applicant/appellant and Ms. Sonia Thakur, learned Additional Public Prosecutor for the respondent/State. Perused the record and proceedings.
2. This is an application for suspension of substantive sentence and for grant of bail.
3. The applicant/appellant is convicted for the offences punishable under sections 7, 8, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 and 354-A of the Indian Penal Code. He is sentenced to suffer RI for three years and to pay fine of Rs.10,000/- and in default to suffer SI for six months, on both the counts. No separate punishment is imposed for the offence punishable under Sec. 354-A IPC
4. Learned advocate for the applicant/appellant submitted that the fine amount is not deposited. Learned

advocate submitted that he is ready to deposit the fine amount within one month. Learned advocate submitted that the appellant has good case on merits. It is submitted that the learned Judge has failed to properly appreciate the evidence on record. Learned APP submitted that the evidence on record has been sufficient to prove the charge against the appellant. It is also submitted by the learned APP that there is cogent and concrete evidence on record.

5. The appellant has been in jail from 27.08.2024. the substantive sentence is RI for three years. The appellant is ready to deposit the fine amount.

6. In my view, the appeal has to be heard on merits. In view of the quantum of the substantive sentence and the facts brought to the notice of this Court, it would be just and proper to grant this application.

7. Accordingly, the application is allowed.

8. The substantive sentence awarded by the learned Special Judge, Chandrapur in (POCSO) Special Case No. 166/2020 by the judgment and order dated 27.08.2024, shall remain suspended during pendency of this appeal.

9. The fine amount be deposited within one month from today before the trial Court.

10. Applicant – Vijay Namdeo Kotrange be released on bail on his furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

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

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Preparation of paper book is expedited.

(G. A. SANAP, J.)

Diwale