



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

CRIMINAL APPLICATION (APPA) No.1037 OF 2024
IN
CRIMINAL APPEAL No.596 OF 2024

(Rajendra s/o. Ganbaji Kachore Vs. State of Maharashtra, through PSO, PS Wadi,
District Nagpur)

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

Court's or Judge's orders.

Mr. P.S. Tiwari, Advocate for applicant.
Mr. Nitin Autkar, APP for respondent-State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 19th OCTOBER, 2024.

1. By this application the appellant is seeking suspension of sentence and releasing him on bail under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. The appellant was prosecuted for the offence punishable under Sections 498-A, 354, 354-A, 323, 506-II, 494 of the India Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The learned trial Court has held guilty the appellant of the offence punishable under Sections 354 and 354-A and sentenced to suffer rigorous imprisonment for three years and fine of Rs.5,000/- and for the offence punishable under Section 12 sentenced to suffer one year and fine of Rs.3,000/-, in default to suffer simple imprisonment.
4. Learned counsel for the appellant submitted that the appeal would take its own time for its final disposal. The appellant was on bail during the trial and he has not misused the

liberty. Moreover, the punishment imposed is of limited period. If sentence is executed, the purpose of preferring the appeal would frustrate.

5. Learned A.P.P. strongly opposed the application on the ground that appeal itself is devoid of merit.

6. After hearing learned counsel for the appellant and on perusal of the impugned judgment it reveals that the appellant has many arguable points. The punishment imposed is of limited period and the appeal would take its own time for final disposal.

7. In view of that, the criminal application deserves to be allowed. Accordingly, I proceed to pass following order :

ORDER

- (i) The execution of the sentence passed in Special POCSO Case No.31/2015 is suspended till disposal of the appeal.
- (ii) The appellant shall be released on bail on execution of PR Bond of Rs.25,000/- with one surety of like amount.
- (iii) The Criminal Application is disposed of.

CRIMINAL APPEAL No.596 OF 2024.

- 1. **Admit.**
- 2. Call R. & P.
- 3. The appeal be listed before the Court after preparation of the paper-book.

(Urmila Joshi-Phalke, J.)