



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

CRIMINAL APPLICATION NO.8 OF 2025

IN

CRIMINAL APPEAL NO.7 OF 2025

(Padmakar Vitthalrao Surjuse Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. M.V. Rai, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 8, 2025.

By this appeal, the appellant has challenged the judgment and order of sentence passed by the Special Judge (POCSO Act), Wardha convicting the present appellant of the offence punishable under Section 9 of the Protection of Children from Sexual Offences Act, 2012 and under Section 452 of the Indian Penal Code.

2. The accused is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/- for the offence punishable under Section 452 of the IPC and in default he shall suffer simple imprisonment for one month. He is further sentenced to suffer rigorous imprisonment for five years and sentenced to pay fine amount of Rs.5000/- in default of payment of fine sentenced to suffer simple imprisonment for one month.

3. Learned Counsel for the applicant submitted that learned Sessions Court has not considered the

evidence in proper perspective. He has every chance of success in the present appeal; however, the appeal would take its own time for its final decision. In the meantime, if sentence is executed the appeal would become infructuous.

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

5. I have heard learned Counsel for both the parties. Perused the impugned judgment from which the learned Counsel has pointed out that he has many arguable points in the present appeal. Admittedly, the appeal would take its own time for its final decision. In the meantime, if sentence is executed the appeal would become infructuous. Moreover, the punishment imposed is of a limited period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 31/12/2024 passed by the Special Judge (POCSO Act), Wardha in Special Case No.39/2021 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Padmakar Vitthalrao Surjuse be released on bail on executing P.R.

Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

(iv) The appellant shall attend the Special Court till disposal of the appeal once in a month i.e. first day of every month and the Special Court shall record his presence.

6. The application stands disposed of.

CRIMINAL APPEAL NO.7 OF 2025

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)