



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

CRIMINAL APPLICATION (APPA) NO.132 OF 2025
IN
CRIMINAL APPEAL STAMP NO.1132 OF 2025

Roshan s/o Beniram Pache

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Ramnagar, Wardha, District Wardha

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

Court's or Judge's orders

Mr. N. R. Tekade, Counsel for the applicant/appellant.

Mr. V. A. Thakare, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/02/2025

1. Leave is granted to the applicant to fill up the blank spaces left by the applicant.
2. By this application, the applicant is seeking condonation of delay which is caused in preferring the appeal against the conviction. Learned Counsel for the applicant submitted that due to the financial problem, he could not approach to the Counsel and he could not engage the Counsel to prefer an appeal and therefore, the delay is caused.
3. Learned APP strongly opposed the said application on the ground that there is no satisfactory and sufficient reason for the condonation of delay.
4. After hearing the learned Counsel for the applicant and learned APP for the State, perused the

application from which it reveals that there is sufficient and reasonable cause for condonation of delay, in view of that, the delay is condoned.

5. The application is disposed of.

6. Appeal be registered.

Criminal Application No. _____/2025
In Criminal Appeal Stamp No.1132 OF 2025

1. By this application, the applicant is seeking suspension of sentence and releasing him on bail.

2. Learned Counsel for the applicant submitted that the limited period punishment is imposed by the impugned Judgment by the learned Special Judge under the Protection of Children from Sexual Offences Act. The applicant was throughout on bail. During the trial, he has not misused the liberty. The appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal would become infructuous.

3. Per contra, learned APP strongly opposed the application and submitted that the appeal itself is devoid of merits and therefore, the application deserves to be rejected.

4. The applicant is convicted for the offence punishable under Section 452 of the Indian Penal

Code and sentenced to suffer rigorous imprisonment of three years and fine of Rs.2000/- in default, simple imprisonment for two months. He is further convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3000/- in default, simple imprisonment for three months. Considering the limited period punishment is there. The appeal would take its own time for its final disposal. Moreover, the learned Counsel for the applicant has pointed out that there are many arguable points in the present appeal. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence imposed in Special (Child Act) Case No.26/2019 is hereby suspended till disposal of the appeal.
- (iii) The applicant shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)