



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

CRIMINAL APPLICATION (APPA) NO. 557 OF 2025

IN

CRIMINAL APPEAL NO. 314 OF 2025

(Shri Purushottam s/o Babulal Kokode ..vs.. State of Maharashtra, through Deolapar PS, District
Nagpur and another)

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

Court's or Judge's orders

Mr. P.J. Pandey, Advocate for the applicant/appellant,
Ms. Sonia Thakur, Addl.P.P. for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 23-09-2025

The present application for grant of suspension of sentence is preferred by the applicant/appellant. The applicant has preferred this appeal assailing the judgment of conviction dated 12-7-2023 passed in Special Criminal (Child) Case No. 571/2021 by the learned Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur. By the impugned judgment, the applicant is convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default to suffer rigorous imprisonment for three months. The applicant has already deposited the fine amount.

2. The learned Counsel for the applicant submits that the applicant was on bail during the trial and had not misused the liberty so granted by the Special Court. He further submits that there are no criminal antecedents. The applicant has an

arguable case and there are chances of succeeding in appeal. Per contra, learned Additional Public Prosecutor opposed this application on the ground that if the sentence imposed on the applicant is suspended during pendency of the appeal, the possibility of the applicant misusing the liberty granted cannot be ruled out.

3. After considering the submissions of both the parties, the nature of offence, the short term of punishment, the fact that the applicant was on bail during the trial and the appeal is likely to take time for final hearing, this Court is of the opinion that it is a fit case to suspend the sentence during pendency of the appeal. Accordingly, the sentence imposed on the applicant is suspended during pendency of the appeal, on the applicant furnishing a solvent surety of Rs.20,000/- (Rupees Twenty Thousand) and P.R. Bond in the like amount. The applicant shall attend the concerned Police Station on every Monday of the first week of each month till decision of the present appeal. The applicant shall furnish his address proof and mobile number to the Investigating Officer.

4. The application is disposed of accordingly.

(NIVEDITA P. MEHTA, J.)