



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

CRIMINAL APPLICATION NO.488 OF 2025

IN

CRIMINAL APPEAL NO.274 OF 2025

(Kalim Shaha Kasam Shaha Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Ms D. Gandhi, Advocate h/f Mr. K. Anandani, Advocate for the appellant.
Ms S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 13, 2025.

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

2. The appellant is convicted by the Special Court of the offence punishable under Sections 354, 354-A, 354-D, 506 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. The appellant is sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs.500/- for the offence punishable under Section 354 of the IPC and in default simple imprisonment for three months, for the offence punishable under Section 354-A of the IPC sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.500/- in default to suffer rigorous imprisonment for three months and also convicted of the offence punishable under Section 506 of the IPC and sentenced to suffer rigorous imprisonment for six months

and to pay fine of Rs.500/- in default to suffer rigorous imprisonment for one month and of the offence punishable under Section 8 of the POCSO Act the appellant is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.500/- in default to suffer rigorous imprisonment for three months.

3. Learned Counsel for the appellant submitted that the maximum punishment awarded is of a three years which is a limited period punishment. From the impugned judgment he pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, he be released on bail and the execution of sentenced be suspended.

4. Learned APP though strongly opposed the application submitted that the maximum sentence awarded is of a three years.

5. I have heard learned Counsel for both the parties and perused the impugned judgment from which it reveals that the maximum punishment imposed is of three years. Learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. 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 14/05/2025 passed by the Sessions Judge, Khamgaon in Special Case (POCSO) No.104/2023 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Kalim Shaha Kasam Shaha 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.

6. The application stands disposed of.

CRIMINAL APPEAL NO.274 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.)