



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

CRIMINAL APPLICATION (APPA) NO. 1252 OF 2024
IN
CRIMINAL APPEAL NO. 747 OF 2024

Santosh Dulichand Sarate 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. C.N. Deshpande, counsel for applicant/appellant.
Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/01/2025.

1. By this application, the appellant is seeking suspension of sentence and releasing the applicant on bail.
2. The appellant has been prosecuted for the offence punishable under Sections 354-A(1)(i) and 354 of I.P.C. read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
3. After recording the evidence, the learned Sessions Court held him guilty and sentenced him to suffer rigorous imprisonment for three years and a fine of Rs. 1000/- for the offence punishable under Section 8 of the POSCO Act. The appellant is further convicted for the offence punishable under Section 354 and sentenced to suffer rigorous imprisonment for two years and fine of Rs. 1000/-.
4. Heard learned counsel for the appellant, who submitted that limited period punishment is imposed on the

appellant. The appellant has already undergone five months of the sentence. If the sentence is executed, the purpose of preferring the appeal would be frustrated. Considering all these aspects, he has also pointed out that he has many arguable points in the present appeal and prays for suspension of sentence.

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

6. After hearing both sides and on perusal of the impugned judgment, from which learned counsel for the appellant has pointed out that he has many arguable points. Moreover, the punishment imposed is of limited period. Therefore, the contention of the learned counsel for the appellant that if the sentence is executed, the purpose of preferring the appeal would be frustrated. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The execution of the sentence passed in Spl. (POCSO) Cri. Case No. 2 of 2021 is hereby suspended till disposal of the appeal.
- c] The appellant shall be released on bail on executing PR. Bond of Rs. 25,000/- with one solvent surety of like amount.

- d] The appellant shall deposit the compensation amount of Rs. 5000/- within two weeks before this Court.

7. The criminal application (APPA) No. 1252/2024 is **disposed of.**

CRIMINAL APPEAL NO. 747/2024

1. The appeal is already admitted. The record and proceedings is already received
2. The appeal be listed for final disposal after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]