



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

CRIMINAL APPLICATION (APPA) NO.285 OF 2024

(Rajendra s/o Raghobaji Patil Vs. The State of Maharashtra thr. PSO PS Koradi, Dist.
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. C. R. Thakur, Advocate for Appellant.
Ms. R. V. Sharma, APP for Non-Applicant Nos.1 and 2/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 4th MARCH, 2025.

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail. The appellant was prosecuted of the offence punishable under Sections 363, 342, 376(2)(J) and 506 of IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012. After appreciation of the evidence the learned Additional Sessions Judge, Nagpur held the appellant guilty of the offence punishable under Sections 342 and 506 (2) of the IPC and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 the maximum sentence awarded of the offence punishable under Section 4 is of 7 years rigorous imprisonment and fine of Rs.1000/- in default simple imprisonment for one month. Being aggrieved and dissatisfied with the same present application is preferred.

2. Heard learned Counsel for the appellant, who

submitted that the appellant is already behind the bar from last 2½ years, the appeal will take its own time for its final disposal. From the recent judgment, he has further pointed out that, he has many arguable points in the present appeal. Moreover, the punishment imposed is of person limited period. Considering all these aspects the execution of sentence be suspended and the appellant be released on bail.

3. Learned APP strongly opposed of the same on the ground that the evidence of the victim and the eye witness supports the prosecution case as far as the chances of success in the appeal is concerned are very less, and therefore, the application deserves to be rejected.

4. On perusal of the impugned judgment from which the appellant has pointed out that he has many arguable points. Moreover the appellant has already undergone 2½ years of the imprisonment. There is no likelihood of disposal of the appeal in near future. Considering all these aspects the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

(i) The Criminal Application (APPA) No.285/2024 is allowed.

(ii) The execution of the sentence passed in Special POSCO Case No.98/2014 is hereby

suspended till disposal of the appeal.

(iii) The appellant shall be released on bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

5. The Criminal Application (APPA) No.285/2024 is disposed of.

CRIMINAL APPEAL NO.150 OF 2024:

1. The appeal which is already admitted.
2. Record and proceedings is already received.
3. Appeal be listed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)