

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

CRIMINAL APPEAL NO.807 OF 2023

(Sameer @ Banti s/o Gangadhar Bodhe Vs. State of Maharashtra thr. PSO PS Virur,
Tah. Rajura, Dist. Chandrapur)

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

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for Appellant.

CORAM: M. W. CHANDWANI, JJ.

DATE: 26th DECEMBER, 2023.

Heard.

2. **Admit.**
3. The learned A.P.P. waives service of notice for the respondent/State.
4. Call record and proceedings.

CRIMINAL APPLICATION NO.1297/2023:

The appellant is seeking to suspend the substantive sentence passed by the learned Extra Additional Sessions Judge, Chandrapur in Special (POCSO) Case No.57/2018 passed in judgment and order dated 30.11.2023. The contention of the learned counsel for the appellant was not on bail during the trial. The punishment is imprisonment for three years.

2. The appellant has already paid fine amount and his substantive sentence is suspended by the trial court for a

month to approach this Court.

3. It is a matter of record that numbers of appeals are pending before this Court. This appeal may not be heard on merit in near future. Having considered the quantum of punishment; fact that fine has already been paid; and the appellant was on bail during trial a case is made out for suspension of sentence. Hence, this order.

4. The application is allowed.

5. Pending the appeal the substantive sentence passed by the learned Extra Additional Sessions Judge, Chandrapur in Special (POCSO) Case No.57/2018 shall remain suspend. The appellant shall be released on bail on executing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

6. The appellant shall appear before this Court as and when directed by this Court.

(M. W. CHANDWANI, J.)

NSN