

**IN THE HIGH COURT OF BOMBAY AT GOA.**

**LD-VC-CRI-63/2020**

**IN**

**LD-VC-CRI-62/2020**

Motilal Lamani ...Appellant.

Vs

State of Goa, Thr. PI, Old  
Goa Police Station and anr. ...Respondents.

Shri Rohan Desai, Advocate for the appellant.

Shri P. Faldessai, Addl. Public Prosecutor for the respondents.

**Coram:- DAMA SESHADRI NAIDU, J.**  
**Date: 13th October 2020.**

PC.

The appellant is the accused in Sessions Case No.38/2016 on the file of the Additional Sessions Judge, Panaji, Goa, for the alleged offences under section 376 of IPC, read with sections 4 and 8 of POCSO Act. The trial Court has tried the appellant and sentenced him to one-year rigorous imprisonment and a fine of ₹15,000/-. The appellant is said to have already paid the fine.

2. Heard.

3. Admit. Post the matter in usual course.

4. Shri P. Faldessai, the learned Addl. Public Prosecutor, waives notice for the respondents.

5. Now, in this appeal, the appellant has filed this MCA for suspension of sentence pending appeal. Shri R. Desai, the learned counsel

for the appellant, informs me that the appellant had been on bail all through during trial and had no incident of violating any bail conditions. According to him, the trial Court has given cogent reasons while handing down a lesser sentence than the statutory minimum. At any rate, he maintains that the appellant is innocent. Hence this appeal.

6. On the other hand, Shri P. Faldessai, the learned Additional Public Prosecutor, has submitted that when the minimum sentence is 10 years, it is difficult to comprehend how the trial Court could award a meagre sentence of one year. In this context, he informs the Court that even the State has been contemplating to file an appeal.

7. Under these circumstances, leaving aside the decision the State may take about the quantum of sentence, we will confine ourselves to the appeal on hand. Here the sentence imposed is one year. Adding to that is the fact that the appellant has been on bail all through during the trial. So, it is in the interest of justice that this Court suspend the sentence and release the applicant on bail subject to these conditions:

#### ORDER

- (i) The application is allowed. The applicant is directed to be released on bail on his executing P.R Bond for Rs.15,000/- and on his furnishing two sureties, each for the like sum, to the satisfaction of the learned Additional Sessions Judge, Panaji.
- (ii) The applicant should not leave the State of Goa without this Court's prior permission.

- (iii) The applicant shall attend, if the Court desires, the hearing of the case on the dates fixed by this Court.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for the cancellation of bail now granted to the applicant.
- (v) The application stands disposed of.

**DAMA SESHADRI NAIDU, J.**

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