

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

CRIMINAL APPLICATION (APPA) NO.236/2020

IN

CRIMINAL APPEAL NO.204/2020

Anudeep S/o Dhanraj Gakhare

..V/s..

State of Maharashtra, through Wardha Police Station, Tahsil and District  
Wardha

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri R.M. Daga, Advocate for the applicant.  
Shri A.M. Kadukar, A.P.P. for the non-applicant / State.

**CORAM : N.W. SAMBRE, J.**

**DATED : 23.6.2020.**

1]           Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2]           Heard Shri R.M. Daga, learned Advocate for the applicant / accused and Shri A.M. Kadukar, learned A.P.P. for the prosecution.

3]           The applicant / accused is convicted by the learned Sessions Judge, Wardha in Sessions Case No.80/2016 vide judgment and order dated 28<sup>th</sup> February, 2019 for an offence punishable under Section 376 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 7 years with a fine of Rs.3,000/-. The accused / applicant is also convicted for an offence punishable under Section 506 of the Indian

Penal Code for a period of one year with a fine of Rs.1,000/-.

4] It is not in dispute that the accused /applicant was on bail during trial.

5] With the assistance of respective Advocates, I have perused the testimony of the victim (P.W.2), who has given admission in her cross-examination that the physical relations with applicant were by consent.

6] In the aforesaid background, in my opinion, a case for suspension of sentence is made out.

7] Accordingly, the sentence imposed on the applicant / accused in Sessions Case No.80/2016 is suspended during the pendency of the present appeal.

8] The applicant / accused is released on bail on same terms on which he was ordered to be released by the trial Court during trial.

9] Shri Daga, learned Advocate for the applicant undertakes to file private paper book within a period of six months.

10] Application stands **allowed** in the above terms.

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11] Call record and proceedings.

12] This order be communicated to the counsel appearing for the parties, either on the email address or on Whats App or by such other mode as is permissible in law.

JUDGE

*Tambaskar.*