

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1673 OF 2020
IN
CRIMINAL APPEAL NO. 511 OF 2020**

Sagar Ramrao Waghmare	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. P. P. More, Advocate for the applicant
Mr. S. W. Munde, APP for the respondent-State

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CORAM : R. G. AVACHAT, J.

DATED : 19th JUNE, 2021

PER COURT :-

. This is an application for suspension of substantive sentence of imprisonment passed vide judgment and order dated 21.08.2020, passed by the learned Additional Sessions Judge, Latur, in Special Case (POCSO) No.08/2018. The applicant has been convicted for the offence punishable under Section 342, 363, 366, 376, 506 of the Indian Penal Code and Section 4 and 12 of Protection of Children from Sexual Offences Act, 2012. The applicant is sentenced to suffer imprisonment for three and to pay fine of Rs.200/-, in default to suffer simple imprisonment for one

month for the offence punishable under Sections 342, 363, 366 and 506 of the Indian Penal Code. The applicant is sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.300/-, in default, to suffer simple imprisonment for one month for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act. Substantive sentences to run concurrently.

2. Heard.

Perused the impugned judgment and the relevant evidence placed on record.

3. The learned APP opposed the application.

4. It appears to be a case of emotional involvement. The parents of the victim did not give date of birth of the victim. The Radiologist, on examination of the victim stated the victim to have been in the age group of 16 – 18 years, whereas, as per the opinion of the Dentist, her age was between 17 – 19 years.

5. The Gramsevak of the village, tendered in evidence an extract of the birth register. According to him, the date of birth of the victim recorded therein is 15.08.2001. According to the learned

Advocate for the appellant, no witness has been examined to show on whose information the entry in the birth register was taken.

6. The appellant has been behind the bars since 18.12.2017. The appeal is not likely to take its turn for hearing in the near future. It is, therefore, desirable to grant the application.

7. The application is, therefore, allowed in terms of prayer clause (B).

8. Pending the appeal, the substantive sentence imposed by the trial Court is suspended. The applicant be released on bail on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

9. Bail before the trial Court.

[R. G. AVACHAT, J.]

SMS