

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

**CRIMINAL APPLICATION NO. 854 OF 2022
IN
CRIMINAL APPEAL NO. 184 OF 2022**

Shahadev Dilip Huse

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. C.C. Deshpande, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent – State
Ms. S.L. Awchar, Advocate for victim
....

**CORAM : R.G. AVACHAT, J.
DATED : 05th MAY, 2022**

PER COURT :

1. Heard.
2. Issue notice to the respondent. Learned A.P.P. waives service of notice for the respondent – State.
3. The applicant has been convicted for the offence punishable under Section 363 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default, to suffer simple imprisonment for one month. The applicant has further been convicted for the offence punishable under Section 376(2)(i)(j) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years and

to pay fine of Rs.10,000/-, in default, to suffer simple imprisonment for two months. The applicant has also been convicted for the offence punishable under Section 4(2) of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for twenty years and to pay fine of Rs.20,000/-, in default, to suffer simple imprisonment for four months.

4. Learned A.P.P. strongly opposed for suspending the substantive sentence of imprisonment. According to him there is concrete evidence about the age of the victim that she was fifteen years of age.

5. Considered all the submissions advanced. At the relevant time the applicant was twenty four years of age. The victim was said to be little over fifteen years. It was a case of love affair. Both of them stayed together even as husband and wife at various places. School record and birth certificate of the victim was placed on record. Pending the trial, the applicant was on bail. The appeal is not ready for being heard. It is not known as to when the turn of this appeal would be there for its final hearing.

6. In these circumstances, the execution of substantive sentence of imprisonment to stand suspended, pending the appeal. The applicant be

released on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

7. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD