

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

**CRIMINAL APPLICATION NO. 1369 OF 2022
IN
CRIMINAL APPEAL NO. 297 OF 2022**

Pandharinath Prabhakar Dipke ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

....
Mrs. R.S. Kulkarni, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State
....

**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 376(2)(n) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.500/-, in default, to suffer simple imprisonment for three months.

4. Learned A.P.P. opposed for grant of suspension of the substantive sentence of imprisonment.

5. It appears to be a case of emotional involvement between the two i.e. the applicant and the informant. The offence of rape is stated to have been committed since the applicant breached the promise of marriage. The fine amount has been deposited. Considering the quantum of sentence and the fact that the appeal is not likely to come up for final hearing in near future, 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.

6. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD