

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

**CRIMINAL APPLICATION NO. 3029 OF 2023 IN
CRIMINAL APPEAL NO. 740 OF 2023**

Santosh Murlidhar Patil Applicant

Versus

The State of Maharashtra & another Respondents

Mr. P. S. Paranjape, advocate for the Applicant

Mr. P. M. Kulkarni, APP, for Respondent No.1

Ms. Ashwini Lomte, advocate (appointed) for Respondent No.2.

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th SEPTEMBER, 2023.**

P.C. :

1 Heard rival submissions.

2 The applicant is seeking suspension of his substantial sentence of imprisonment awarded under various provisions of Indian Penal Code as well as POCSO Act. It appears that the maximum punishment of imprisonment appears to be of five years and all the sentences of imprisonment are to be run concurrently.

3 The learned Counsel for the applicant-accused
submits that the applicant has already deposited the fine
amount and he was on bail throughout the trial.

4 On the contrary, the learned APP and the learned
Counsel for Respondent No.2-victim strongly opposed for
such suspension by pointing out that the so called admission
given by the victim as regards the tutorship was, in fact,
was a typing mistake of the Marathi typist.

5 Admittedly, there is difference between English
version and Marathi version in respect of deposition of the
victim. However, considering the quantum of the sentence
and also the fact that the applicant-accused was on bail
during the trial, the substantial sentence of imprisonment
imposed upon him needs to be suspended during the
pendency of this appeal.

6 As such, following order is passed:

(i) The Criminal Application is hereby allowed.

(ii) The substantial sentences of imprisonment imposed upon the applicant-accused vide judgment and order dated 26.07.2023 by the learned Additional Sessions Judge, Amalner, District Jalgaon, in Special Case (POCSO) No. 05 of 2019, are hereby suspended during the pendency of this appeal.

(iii) The applicant-accused is hereby released on execution of his P. B. and S. B. of Rs.25,000/- (Rs. Twenty Five thousand). Bail before the trial Court.

(iv) The applicant-accused shall not give any threats to the victim during the pendency of this appeal.

(v) The fees of learned Counsel, who represented Respondent No.2-victim, be paid as per rules.

SANDIPKUMAR C. MORE
JUDGE

adb