

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

**CRIMINAL APPLICATION NO. 3334 OF 2023 IN
CRIMINAL APPEAL NO. 811 OF 2023**

01 Laxman Sopanrao Phatke

02 Rameshwar Sahebrao Garad

03 Ganesh Shivlingappa Lase

Applicants

Versus

The State of Maharashtra & another

Respondents

Mrs. Uma S. Bhosle, advocate for the Applicants

Mr. R. D. Sanap, APP for Respondent No.1

Mr. V. V. Deshmukh, advocate holding for Mr. D. J. Patil,
advocate (appointed) for Respondent No.2.

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th OCTOBER, 2023.**

P.C. :

1 Heard rival submissions.

2 The applicants, who are original accused nos. 4 to 6, are seeking suspension of their substantive sentence of imprisonment awarded under various provisions of Indian Penal Code. It appears that the maximum punishment of

imprisonment appears to be of three years and all the sentences of imprisonment are to be run concurrently.

3 The learned Counsel for the applicants-accused submits that the applicants have already deposited the fine amounts and they were 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 on the ground that the learned trial Court, considering the material on record, has finally convicted the applicants-accused.

5 Considering the quantum of the sentence and also the fact that the applicants-accused were on bail during the trial, the substantive sentence of imprisonment imposed upon them 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 substantive sentences of imprisonment imposed upon the applicants-accused vide judgment and order dated 09.08.2023, by the learned Sessions Judge, Ambajogai, in Special POCSO Case No. 67 of 2020, are hereby suspended during the pendency of this appeal.

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

(iv) The applicants-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 quantified as per rules.

**SANDIPKUMAR C. MORE
JUDGE**

adb

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 10th OCTOBER, 2023.

P.C. :

Heard.

Admit.

Learned Counsel for respective Respondents

waive service.

**SANDIPKUMAR C. MORE
JUDGE**

adb