

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

**971 CRIMINAL APPLICATION NO.3753 OF 2022
IN APEAL/296/2023**

Sunil s/o Devidas Wahul

...Applicant

VERSUS

1. The State of Maharashtra

2. XYZ

...Respondents

...

Advocate for Applicant : Mr. M.S.Karad h/f Mr. A.S. Bangar

APP for Respondent State : Mr.A.A.Jagatkar

Advocate for Respondent No. 2 : Ms.Tandale Rani R.(appointed)

...

CORAM : R. G. AVACHAT, J.

DATE : 03.05.2023.

PER COURT :

1. Heard.

2. This is an application for suspension of execution of substantive sentence imposed by the learned Special Judge (POCSO), Aurangabad in Special Case (POCSO) No. 56 of 2015 by its judgment and order dated 04.05.2022.

3. At the relevant time, the applicant was just 20 years of age. The victim is said to have been little over 14 years of age. Both of them were emotionally involved. They had eloped

and stayed together as husband and wife. The appeal is of this year. It will take time for the appeal to come up for hearing by its turn. The applicant was on bail pending trial. It is informed that the victim is married, now blessed with two children and leading happy married life.

4. Although learned APP has strong objection to grant suspension of substantive sentence, the fact is that the appeal is not likely to be heard in the immediate future. The experience of this assignment shows, in not less than three matters, the convicts had already undergone the entire sentence and even then, their appeal did not have their turn for hearing on merit. In a few matters, the appellant who had already undergone three-fourth of the sentence, have been acquitted. Their applications for suspension of sentence had already been rejected.

5. In view of the same the application is allowed in terms of the following order :

ORDER

- (a) The application is allowed.
- (b) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant

by the learned Special Judge (POCSO), Aurangabad in Special Case (POCSO) No. 56 of 2015 by its judgment dated 04.05.2022 to stand suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety each in the like amount.

(c) The fees of the learned Advocate to represent respondent No. 2 be quantified for Rs. 7,000/- (Rs. Seven Thousand).

(d) The applicant be released forthwith.

(R. G. AVACHAT)
JUDGE

mahajansb/