

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

**CRIMINAL APPLICATION NO. 3730 OF 2023 IN
CRIMINAL APPEAL NO. 924 OF 2023**

Pritam s/o Rohidas Bansode

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. Akash D. Gade, advocate for the Applicant

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 applicant, who is original accused no.1, is seeking suspension of his 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 applicant-accused
submits that the applicant was an under trial prisoner and
he has almost undergone the substantive sentence of
imprisonment imposed upon him during the pendency of
trial. Further, he has already deposited the fine amounts.

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
applicant-accused, who was an under trial prisoner.

5 However, considering the quantum of the sentence
and also the fact that the applicant-accused has almost
undergone the substantive sentence of imprisonment during
the pendency of trial, the substantive 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 substantive sentences of imprisonment imposed upon the applicant-accused vide judgment and order dated 09.08.2023, by the learned Special Judge, Ambejogai, in Special Case (POCSO) No. 67 of 2020, 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) each. 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 quantified as per rules.

SANDIPKUMAR C. MORE
JUDGE

adb

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Appellant

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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