

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3521 OF 2022
IN
CRIMINAL APPEAL NO.1030 OF 2022**

Sadik @ Sangram Govind Shirtode ...Applicant
vs.
The State of Maharashtra & Anr. ...Respondents

Mr. Dilip Bodake for the Applicant.
Mrs. M. H. Mhatre for APP Respondent No.1-State.
Mr. Mainak Adhikary for Respondent No.2.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 25TH OCTOBER 2023

P. C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by applicant challenging the judgment of conviction.

2. Applicant is convicted by learned Additional Sessions Judge, Sangli, for offence punishable under section 376(2)(n) of Indian Penal Code and under section 6 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") in Special Case (POCSO) No.223 of 2020 and sentenced to suffer rigorous imprisonment for 20 years

and to pay fine of Rs.10,000/-.

3. Learned Advocate for applicant submits that applicant was young boy of 21 years at the time of incident and has developed love affair with Respondent No.2-victim and out of love affair physical relations took place between them. The said fact is also admitted by victim. He, therefore, by relying on decisions of this Court as well as other High Courts submitted that this is not a case where conviction is to be awarded under POCSO Act.

4. Learned APP and learned Advocate for Respondent No.2, on the other hand submit that there is sufficient evidence to sustain conviction.

5. Prima facie, there appears sufficient evidence on record to sustain conviction. Therefore, no case is made out by applicant to suspend the sentence.

6. In the result, application is rejected. Appeal is expedited.

7. Applicant may renew his request for suspension of sentence after one year, if appeal is not heard.

[NITIN B. SURYAWANSHI, J.]