



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

**INTERIM APPLICATION NO.4059 OF 2022
IN
CRIMINAL APPEAL NO.1174 OF 2022**

Sanjay Hardas Bhagchandani ... Applicant
Versus
The State of Maharashtra
And Another ... Respondents

Mr. Milind D. Dhande a/w Ms. Divya R. Tiwari for the Applicant.
Mr. A.R. Patil, APP for Respondent No.1-State.
Mr. Ganesh S. Shelar for Respondent No.2.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25 OCTOBER 2023

P.C.

. This is an application filed by the Applicant for suspension of sentence of rigorous imprisonment of 20 years imposed by the Additional Sessions Judge, Thane in Spl. (POCSO) Case No.562 of 2020, thereby convicting the Applicant under Section 5(I)(o) under Section 6 of the Protection of Children from Sexual Offences Act, 2012, under Section 506 of the Indian Penal Code.

2 Learned Counsel appearing for the Applicant has assailed the conviction on the ground that the prosecution has failed to prove the case beyond reasonable doubt. There is a delay in lodging FIR and

medical examination of the victim is also conducted almost after six months from the date of the alleged incident. According to him, the Applicant has not committed any offence and is wrongly implicated. Learned APP appearing for Respondent No.1-State and learned Counsel for Respondent No.2 have opposed the application and supported the impugned judgment and order of conviction.

3 *Prima facie*, there appears sufficient evidence on record to sustain the conviction of the accused. Trial Court appears to have rightly relied upon evidence of the victim and her mother, and the evidence of another student, who had joined classes of the Applicant as well as medical evidence. This Court at this stage cannot minutely evaluate the evidence. Considering the fact that sentence of 20 years imprisonment is imposed upon the Applicant, this is not a fit case to suspend the conviction. The Interim Application is, therefore, rejected.

4 The hearing of the Criminal Appeal is expedited.

(NITIN B. SURYAWANSHI, J.)