



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.815 OF 2023 IN
CRIMINAL APPEAL NO.508 OF 2023

Ravindra Jodhasingh Parteti Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.N. Dongre, Advocate for appellant.
Ms Kavita Bhondge, APP for respondent no.1/State.
Ms Kirti Deshpande, Advocate (appointed) for respondent no.2.

CORAM : M.W. CHANDWANI, J.
DATE : FEBRUARY 22, 2024.

Heard.

2. By this application, the appellant is seeking suspension of substantive sentence in Special Child Case No.28/2018 passed by the learned Special Judge, Gondia. The appellant is convicted by impugned judgment and order dated 26.04.2023 for the offence punishable under Section 354-A(1)(i) of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.1000/-. He is also convicted for the offence punishable under Section 10 of the Protection of Children from Sexual Offences Act and is sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.2000/-.

3. It is contended on behalf of the appellant that there is no substance in the evidence of the prosecution witnesses. PW3, eye witness, did not support the prosecution case. PW2, who immediately reached on the spot and on enquiry the victim did

not inform the incident to her. The conviction is fixed term of five years. It is contended that the appellant has a good case on merits and in case of acquittal the position will not be reversible hence prays for suspension of substantive sentence.

4. Per contra, learned APP for the State strongly objected the application on the ground that the version of victim girl specifically stated that the appellant has sexually harassed her by demanding sexual favour, therefore, the trial Court has rightly convicted the appellant. The learned APP supports the sentence awarded by the trial Court and sought rejection of the application.

5. The case of the prosecution is that when the victim went for urination the appellant uttered words “मला करुन का” and sought sexual favour and while she was going back the appellant caught hold of her odhani (scarf). The PW3-Divya, an eye witness to the incident, did not support the prosecution case. PW2-Ranjana came with with a case that when the victim came out of the bathroom she asked the victim but she did not say anything to her. An arguable case is made out, which requires scrutiny of the evidence of these witnesses at the time of the final hearing of the appeal. The appeal is sentenced for fixed term of five years. The appeal may not be heard in the near future. The appellant is in jail. In case of acquittal, the position will not be reversible.

6. In view of above, a case is made out for suspension of sentence. Hence, following order.

7. Pending appeal, the substantive sentence imposed upon the appellant by the learned Special Judge, Gondia by judgment and order dated 26.04.2023 in Special Child Case No.28/2018 is hereby suspended.

8. The appellant - **Ravindra Jodhasingh Parteti** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

9. The appellant shall remain present at the time of final hearing of the appeal.

10. Professional fees of learned appointed counsel for respondent no.2 be quantified and paid as per Rules.

11. With this, the application stands dispose of.

JUDGE

Wagh