



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

**CRIMINAL APPLICATION (APPA) NO.776 OF 2023 IN**  
**CRIMINAL APPEAL NO.586 OF 2023**

Sonu S/o Premdin alias Ramaji Prajapati Vs. State of Maharashtra and Anr.

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

Court's or Judge's orders.

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Shri M.L. Vairagade, Advocate for appellant.  
Ms Kavita Bhondge, APP for respondent no.1/State.

**CORAM : M.W. CHANDWANI, J.**  
**DATE : FEBRUARY 29, 2024.**

By the present application, the applicant is seeking suspension of substantive sentence awarded by the learned Additional Sessions Judge, Nagpur in Special (POCSO) Case. No.218/2018, thereby the appellant has been convicted and sentenced to suffer rigorous imprisonment for ten years for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and to pay fine of Rs.2,000/-.

2. It is contended on behalf of the appellant that he has not committed any offence and the Court has erroneously recorded the order of conviction. According to him, there is contradiction in the evidence of victim and doctor in respect of presence of oil on the private part of the victim. According to him, the victim alleged that by applying oil inserted finger in her private part, whereas doctor denied the presence of irregularity in her private part. According to him, the applicant has good case on merit and hearing of appeal take considerable time hence prayer for bail.

3. Per contra, learned APP on behalf of State objected the application on the ground that there is sufficient material on record against the appellant and trial Court has rightly convicted the appellant. The appellant has no case on merit hence sought rejection of the application.

4. With able assistance of the learned counsel for the appellant as well as learned APP for the State, I have gone through the impugned judgment and deposition of the victim. The appellant has committed penetrative sexual assault by inserting finger in the private part of the victim, an eight years old girl. There is material on record particularly the evidence of victim and her mother which *prima facie* justifies the conviction recorded by the trial Court. There are some contradiction, which can be considered at the time of final hearing of the appeal. Considering the material available on record, no case is made out for suspension of sentence. Hence, the application is rejected.

5. Professional fees of learned counsel appointed for appellant be quantified and paid as per Rules.

**JUDGE**

*Wagh*