



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

**CRIMINAL APPLICATION (APPA) NO.717 OF 2024**  
**IN**  
**CRIMINAL APPEAL NO.402 OF 2024**

(Roshan s/o Sheshrao Kinnake Vs. The State of Maharashtra thr. its PSO Ps Pulgaon,  
Tah. Deoli, Dist. Wardha)

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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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Mr. Mahesh V. Rai, Advocate for Appellant/Applicant.  
Ms. H. S. Dhande, APP for Non-Applicant/Respondent/State.

**CORAM: G. A. SANAP, J.**  
**DATE: 20<sup>th</sup> AUGUST, 2024.**

Heard.

2. This is an application for suspension of sentence. The challenge in the appeal is to the judgment and order dated 21.01.2024 passed by the learned Special Judge, Wardha. The learned Judge has held the accused guilty for the offence punishable under Sections 363, 377 read with Section 511 of IPC and Section 6 read with Section 18 of the Protection of Children from Sexual Offences Act, 2012. On two counts he has been sentenced to under go rigorous imprisonment for ten years.

3. It is the case of the applicant that the evidence on record is not sufficient to prove the charge against him. The learned Judge has not properly appreciated the evidence. It is submitted that the appeal may take its own

time for final adjudication and therefore, till then the detention of the appellant in prison may not be warranted.

4. The learned APP has opposed this application. It is contended that the evidence on record is cogent, concrete and reliable. The evidence has been thoroughly appreciated and on doing so the finding of a guilt has been recorded.

5. The accused has been sentenced to undergo rigorous imprisonment for ten years on two counts. The sentences awarded on various counts have been directed to run concurrently. The offence proved against the accused is a serious offence. In the backdrop of the reasons recorded by the learned Judge to record the finding of a guilt against the accused, I do not see any substance in this application, the application is accordingly rejected.

**CRIMINAL APPEAL NO.402 OF 2024:**

The preparation of the paper-book is expedited.

(G. A. SANAP, J.)