



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

CRIMINAL APPLICATION (APPA) NO. 522 OF 2024

IN

CRIMINAL APPEAL NO. 290 OF 2024

Amol Ramesh Karange

Vs.

The State of Maharashtra, thr. P.S.O, P.S. Washim Rural, Washim

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for the Applicant/Appellant.

Ms. Kavita H. Bhondge, APP for the Respondent.

CORAM : G. A. SANAP, J.

DATED : 27th JUNE, 2024.

. This is an application for suspension of substantive sentence. The appellant/accused has been sentenced to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.1,000/- for the offence punishable under Section 376(1) and rigorous imprisonment for one year and to pay a fine of Rs.500/- for the offence punishable under Section 506 of the Indian Penal Code, 1860 (for short, "IPC").

2. Learned advocate for the appellant took me through the record and proceedings. Learned advocate submitted that, on the date of the alleged incident, the prosecutrix was 35 years old and the appellant/accused was 28 years old. Learned advocate submitted that there is ample material on record to suggest that it was a consensual relationship between the appellant and the prosecutrix. Learned advocate submitted that the mother of the prosecutrix has not supported the case of the

prosecution. It is submitted that, in the teeth of the available material on record and the evidence of the prosecutrix, he has a good case on merits. It is submitted that further detention for an indefinite period during the pendency of the appeal may frustrate the very purpose of the filing of the appeal.

3. Learned APP submitted that a child was born to the prosecutrix, and as per the DNA report, the appellant/accused and the prosecutrix are the biological parents of the child. Learned APP submitted that the defence of consensual relationship between the accused and the prosecutrix has been properly appreciated and the contention of the accused on that count has been rejected. Learned APP submitted that the DNA report is the prime evidence against the accused. Learned APP, on instructions, submits that after the birth, the child was given to children home, and the children home has given the child in adoption

4. For this limited purpose, I have gone through the record and proceedings. The major sentence awarded is rigorous imprisonment for seven years. The grounds of challenge to the impugned judgment and order have been set out in the appeal memo. It is seen on perusal of the record that, after seven months of conception, the prosecutrix disclosed this fact to the family members. It is pointed out that during the pendency of the trial, the appellant/accused was on bail, and there is no grievance of misuse of bail conditions by him. After taking relevant facts into consideration, I am of the view that this is a fit case to suspend the substantive sentence.

5. Accordingly, the application is **allowed**.

i] The substantive sentence, i.e., rigorous imprisonment for 7 years for the offence punishable under Section 376(1) and rigorous imprisonment for one year for the offence punishable under Section 506 of the IPC awarded by learned Sessions Judge, Washim, in Sessions Trial No.04/2020, shall remain suspended during the pendency of the appeal.

ii] Appellant/accused - Amol Ramesh Karange be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

iii] The fine, if not deposited, shall be deposited forthwith.

iv] The bail before the Trial Court.

6. The application stands disposed of accordingly.

(G. A. SANAP, J.)

Vijay