



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

CRIMINAL APPLICATION [APPA] NO. 902 OF 2024

IN

CRIMINAL APPEAL NO. 178 OF 2024

DINESH GOVINDRAO PAWAR

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., WADI, NAGPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Sunita S. Turekhan Advocate h/f Ms. Shubhanji Jadhao, Advocate
for the applicant.

Ms. Sonia Thakur, A.P.P. for the non-applicant /State

CORAM : G. A. SANAP, J.

DATE : OCTOBER 15, 2024.

1. Heard learned advocate for the appellant and learned
Additional Public Prosecutor for the State. Perused the
record and proceedings.

2. This is an application for suspension of substantive
sentence and for grant of bail.

3. The appellant/applicant is one of the accused in the
crime. Three accused have been convicted for the offence
punishable under Section 376-D of the Indian Penal Code.
The sentence imposed is imprisonment for twenty years.

4. It is submitted by the learned advocate for the
applicant that the evidence of the victim is not credible and
trustworthy. There are major inconsistencies and

discrepancies in her evidence. It is submitted that the appeal may take its own time for adjudication and therefore, till then incarceration of the appellant is not warranted.

5. Learned APP submitted that considering the offence proved against the accused persons, the sentence may not be suspended. It is submitted that the learned Additional Sessions Judge has thoroughly appreciated the evidence and on doing so has recorded the finding that it is cogent, concrete and reliable. It is also pointed out that oral version of the victim has been corroborated by the medical evidence.

6. I have given thoughtful consideration to the submissions and the facts of the case. On perusal of the evidence and particularly the judgment passed by the learned Additional Sessions Judge, I am of the view that this is not a fit case for suspension of the sentence. The application deserves to be rejected.

7. Accordingly, the criminal application is rejected.

8. The appeal be listed for final hearing as per its turn.

(G. A. SANAP, J.)