



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 458 OF 2025
IN APEAL/225/2022**

TUKARAM VISHWANATH RANGMALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Chaitanya V. Dharurkar, Advocate for Applicant
Mr. S.D. Ghayal, APP for Respondent No.1/State
Ms. Krutika M. Daskhedkar, Advocate for Respondent No.2
(Appointed)

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**CORAM : NITIN B. SURYAWANSHI &
MANJUSHA DESHPANDE, J.J.**

DATE : 05th MAY, 2025

PER COURT :

1. Applicant is convicted by the Sessions Court under Section 376(2)(i) of the Indian Penal Code and Sections 5(m) and 6 of the Protection of Children from Sexual Offences Act, and is sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.5,000/-, in default of payment of fine to suffer simple imprisonment for six months. By this application applicant seeks suspension of his substantive sentence of life imprisonment.
2. Heard learned advocate for applicant, learned APP for respondent No.1/State and learned advocate for respondent No.2 victim. Perused the record.
3. Record indicates that prosecution has proved it's case in the evidence of victim. Her version is corroborated by eye witness PW4. The medical evidence supports the prosecution's case. Therefore, *prima facie*, there is sufficient evidence on record to sustain the conviction of applicant.

4. Learned advocate for respondent No.2 has relied on ***Sidhartha Vashisht Vs. State (NCT of Delhi), (2008) 5 SCC 230***, wherein it is held,

"30.In the above cases, it has been observed that once a person has been convicted, normally, an appellate court will proceed on the basis that such person is guilty. It is no doubt true that even thereafter, it is open to the appellate court to suspend the sentence in a given case by recording reasons. But it is well settled, as observed in Vijay Kumar [(2002) 9 SCC 364] that in considering the prayer for bail in a case involving a serious offence like murder punishable under Section 302 IPC, the Court should consider all the relevant factors like the nature of accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the desirability of releasing the accused on bail after he has been convicted for committing serious offence of murder, etc. It has also been observed in some of the cases that normal practice in such cases is not to suspend the sentence and it is only in exceptional cases that the benefit of suspension of sentence can be granted."

5. Taking into consideration the nature of accusation made against applicant, gravity of the offence and *prima facie* sufficient material on record to sustain the conviction, we are of the view that this is not fit case to suspend the substantive sentence of imprisonment passed against the applicant. Application being devoid of merit is dismissed.

6. Learned advocate appointed to represent respondent No.2 victim be paid fees as per the scheduled by the High Court Legal Services, Sub-Committee, Aurangabad, within a period of four weeks from today.

(MANJUSHA DESHPANDE, J.)

(NITIN B. SURYAWANSHI, J.)