



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPEAL NO. 903 OF 2024
WITH
CRIMINAL APPLICATION NO. 792 OF 2024 IN APEAL/903/2024

SATISH BANSI UMAP
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Patekar Narendra B.
APP for Respondent/State : Mr. P.V. Diggikar
Advocate for Respondent 2 : Mr. R.M. Gaikwad (appointed)

...

CORAM : ARUN R. PEDNEKER, J.

Dated : August 13, 2025

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for respondent/State.
2. Criminal Application No. 792/2024 was filed for suspension of substantive sentence imposed on the applicant by the learned Additional Sessions Judge, Ahmednagar in Special Case No. 145/2019 vide judgment and order dated 12.10.2022. The relevant portion of operative order is as under :-

"O R D E R

1. Accused Satish Bansi Umap is convicted under the provisions of Section 235(2) of the Code of Criminal Procedure, 1973 for the offence punishable under Sections 376, 376(3), 376(2)(n) of Indian Penal Code and under Sections 4 and 6 of POCSO Act.
2. Accused Satish Bansi Umap is sentenced to suffer R.I. for twenty years and fine of Rs.2000/- (Rs. Two thousand only) i/d. To suffer S.I. for one month for offence punishable u/s. 376(3) of I.P.C."

3. This Court by order dated 6.8.2025 in Criminal Application No. 792/2024 filed in Criminal Appeal No. 903/2024 has recorded the submission of the applicant that the applicant is in jail for about one and half years and as such, liberty was granted to the applicant to file fresh application for suspension of substantive sentence if appeal is not heard within a period of one year and the application came to be disposed of.

4. Today, the learned counsel for the applicant submits that the applicant is in jail for last six and half years and he was arrested on 14th April, 2018. The learned APP has not controverted the above submission. Considering the same, the order dated 6.8.2025 passed in Criminal Application No. 792/2024 in Criminal Appeal No. 903/2024 is recalled.

5. Considering that the applicant is in jail for last six and half years and the appeal would take some time for hearing, the substantive sentenced can be suspended.

6. In view of the above, the application filed for suspension of substantive sentence is allowed. The above substantive sentence imposed on the applicant/appellant is suspended on condition that applicant deposits the entire fine amount, if already not deposited, before the trial Court. The applicant shall be released on bail on such terms and conditions which the trial court may deem fit and proper. The application stands disposed of accordingly.

7. Mr. R.M. Gaikwad, learned counsel appointed to represent the cause of the victim/respondent No. 2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-Committee, Aurangabad.

(ARUN R. PEDNEKER, J.)

ssc/