



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL APPLICATION NO. 663 OF 2025
IN APEAL/114/2025

GANESH RAMESH HIVRALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Bobade Yogesh K
APP for Respondent/State: Mr. S. K. Shirse
Advocate for Respondent No.2 : Mr. Shirsat Suhas R.

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 16.07.2025

P.C. :

1] The present application has been filed by the applicant for suspension of substantive sentenced imposed on him in Special Case (Child Protection) No.56/2018, dated 29.01.2025, by learned Special Judge (Under POCSO Act), Beed, District Beed. The applicant has been convicted thus:

1. Accused Ganesh Ramesh Hivrale hereby convicted for the offences punishable under section 4 of the Protection of Children From Sexual Offences Act, 2012 and under section 366-A of the Indian Penal Code under Section 235(2) of the Code of Criminal Procedure, 1973.

2. Accused is sentenced to suffer rigorous imprisonment for 10 (Ten) years for the offence under section 4 punishable under the Protection of Children From Sexual Offences Act, 2012 and ordered

to pay fine amount of Rs.15,000/- (Rs. Fifteen thousand only) and in default of payment of fine to suffer rigorous imprisonment for 06 (six) months.

3. Accused is further sentenced to suffer rigorous imprisonment for 7 (Seven) years for the offence punishable under section 366-A of the Indian Penal Code and ordered to pay fine amount of Rs.15,000/- (Rs. Fifteen thousand only) and in default of payment of fine to suffer rigorous imprisonment for 06 (six) months.

4. On payment of recovery of fine amount, as the case may be, said amount be paid to victim as compensation in view of section 357 (1) (b) of the Code of Criminal Procedure, 1973, after appeal period is over.

5. Accused was in jail from 22.10.2018 to 12.02.2019. He is entitled to get set-off for the period already undergone in jail as per Section 428 of the Code of Criminal Procedure.

6. Both sentences shall run concurrently.

2] The learned counsel for the applicant submits that there is no evidence of sexual assault, so also, the birth certificate does not bear the entry number, so also, the same panch witnesses are used for different panchanamas and panch witnesses are the known to the accused. He submits that although there is evidence of the prosecution, the conviction is erroneously recorded.

3] Perused the evidence of the prosecutrix, so also, the medical evidence.

4] Prima facie, the case is made out against the applicant.

The court has observed that the birth is registered immediately after two days, as such, there is no question of the manipulation of the record. The gender is also mentioned in the certificate and that the victim is the only child and there is no doubt as regards the identity. The applicant is in custody only for the period of 5 months and the maximum sentence is 10 years.

5] Considering the above, no case is made out for suspension of sentence at this stage. If the appeal is not heard over the period of one year, liberty to apply afresh.

6] The Criminal Application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE