



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 918 OF 2025  
IN APPEAL/165/2025

NITIN SUBHASH SOMANI  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ramanand A. Karwa (*Absent*)

APP for Respondent/State: Mr. N. B. Patil

Advocate for Respondent No.2 :

Ms. Sayali S. Tekale (*Appointed*)

...

WITH  
CRIMINAL APPEAL NO. 165 OF 2025

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 06.08.2025

P.C. :

1] None present for the applicant.

2] The present application is filed by the applicant for suspension of substantive sentence imposed on him in Special Case No.95/2023, dated 04.02.2025, by learned Special Judge, Parbhani, District Parbhani. The applicant has been convicted thus:

*“34. In the result, I proceed to pass the following order:-*

| <b><u>ORDER</u></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |                                                                                                                                                                                                                                                                                                       |     |                                                                                                                                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1]                  | <p><i>The accused – Nitin Subhash Somani is convicted U/sec.235(2) of the Code of Criminal Procedure, 1973, for the offence punishable <b>U/Sec.354-A and 506</b> of the Indian Penal Code, 1860 and <b>Sections 8</b> of the Protection of Children from Sexual Offence Act, 2012 and sentenced to suffer following imprisonment:-</i></p> <table border="1"> <tr> <td>(A)</td><td><i>For offence under <b>section 354-A</b> of the Indian Penal Code, 1860, he shall suffer rigorous imprisonment for <b>01 (One) year</b> and to pay fine of <b>Rs.1,000/-</b> (Rupees One Thousand Only), in default of payment of fine, to suffer simple imprisonment for <b>01 (One) month</b>.</i></td></tr> <tr> <td>(B)</td><td><i>For offence under <b>section 506</b> of the Indian Penal Code, 1860, he shall suffer simple imprisonment for <b>06 (Six) Months</b> and to pay fine of <b>Rs.500/-</b> (Rupees Five Hundred Only), in default of payment of fine, to suffer simple imprisonment for <b>15(Fifteen) Days</b>.</i></td></tr> <tr> <td>(C)</td><td><i>For the offence punishable under <b>Sections 8</b> of the Protection of Children from Sexual Offence Act, 2012, he shall suffer rigorous imprisonment for <b>03 (Three) Years</b> and to pay fine of <b>Rs.2,000/-</b> (Rupees Two Thousand Only), in default of payment of fine, to suffer simple imprisonment for <b>02 (Two) Months</b>.</i></td></tr> </table> | (A) | <i>For offence under <b>section 354-A</b> of the Indian Penal Code, 1860, he shall suffer rigorous imprisonment for <b>01 (One) year</b> and to pay fine of <b>Rs.1,000/-</b> (Rupees One Thousand Only), in default of payment of fine, to suffer simple imprisonment for <b>01 (One) month</b>.</i> | (B) | <i>For offence under <b>section 506</b> of the Indian Penal Code, 1860, he shall suffer simple imprisonment for <b>06 (Six) Months</b> and to pay fine of <b>Rs.500/-</b> (Rupees Five Hundred Only), in default of payment of fine, to suffer simple imprisonment for <b>15(Fifteen) Days</b>.</i> | (C) | <i>For the offence punishable under <b>Sections 8</b> of the Protection of Children from Sexual Offence Act, 2012, he shall suffer rigorous imprisonment for <b>03 (Three) Years</b> and to pay fine of <b>Rs.2,000/-</b> (Rupees Two Thousand Only), in default of payment of fine, to suffer simple imprisonment for <b>02 (Two) Months</b>.</i> |
| (A)                 | <i>For offence under <b>section 354-A</b> of the Indian Penal Code, 1860, he shall suffer rigorous imprisonment for <b>01 (One) year</b> and to pay fine of <b>Rs.1,000/-</b> (Rupees One Thousand Only), in default of payment of fine, to suffer simple imprisonment for <b>01 (One) month</b>.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |                                                                                                                                                                                                                                                                                                       |     |                                                                                                                                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                    |
| (B)                 | <i>For offence under <b>section 506</b> of the Indian Penal Code, 1860, he shall suffer simple imprisonment for <b>06 (Six) Months</b> and to pay fine of <b>Rs.500/-</b> (Rupees Five Hundred Only), in default of payment of fine, to suffer simple imprisonment for <b>15(Fifteen) Days</b>.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                                                                                                                                                                                                                                                                                                       |     |                                                                                                                                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                    |
| (C)                 | <i>For the offence punishable under <b>Sections 8</b> of the Protection of Children from Sexual Offence Act, 2012, he shall suffer rigorous imprisonment for <b>03 (Three) Years</b> and to pay fine of <b>Rs.2,000/-</b> (Rupees Two Thousand Only), in default of payment of fine, to suffer simple imprisonment for <b>02 (Two) Months</b>.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |                                                                                                                                                                                                                                                                                                       |     |                                                                                                                                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                    |
| 2]                  | <i>All the sentences shall run concurrently.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |                                                                                                                                                                                                                                                                                                       |     |                                                                                                                                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                    |

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3] Perused the record. The Maximum sentence imposed on the applicant is of 3 years. The appeal will take substantial time for hearing.

4] Considering the above, I pass the following order :

**ORDER**

i] The Criminal Appeal No.165 of 2025 is **admitted.**

ii] Criminal Application No.918 of 2025 is allowed.

iii] The substantive sentence imposed on the applicant in Special Case No.95/2023, dated 04.02.2025, by learned Special Judge, Parbhani, District Parbhani, stands suspended till the final hearing and disposal of Criminal Appeal.

iv] The applicant be released on bail on furnishing P.R. bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial court.

v] Bail before the trial Court.

vi] Ms. Sayali S. Tekale, learned appointed counsel for respondent no.2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

**[ARUN R. PEDNEKER]**  
**JUDGE**