



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

**987 CRIMINAL APPLICATION NO. 2714 OF 2024
IN APEAL/602/2024**

Dhiraj S/o Ravindra Fugare

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Jitendra V. Patil

APP for Respondents-State: Mr. P. V. Diggikar

Advocate for Respondent No.2 : Ms.Sarita Gaikwad (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 02, 2025.

PER COURT :-

1. The present application has been filed by the original accused for suspension of the substantive sentence imposed on him by the judgment and order dated 17/05/2024, passed in Special (POCSO) Case No.07/2022 by the learned Special Judge and Additional Sessions Judge-2, Amalner, District Jalgaon.

2. The applicant has been convicted and sentenced as follows : -

"1. Accused Dhiraj Ravindra Fugare, R/o. Gorgaonle, Kd. Taluka Chopda, District Jalgaon is hereby convicted vide Section 235(2) of Cr. P.C. for the offences punishable under Sections 376, 325, 452 of the Indian Penal Code.

2.

3. For the offence punishable under Section 376 of the Indian Penal Code, accused to undergo rigorous imprisonment for fifteen (15) years and to pay a fine of Rs.25,000/- (Rs. Twenty five thousand only), in default simple imprisonment for two (2) years.

4. *For the offence punishable under Section 325 of the Indian Penal Code, accused to undergo rigorous imprisonment for two (2) years and to pay a fine of Rs.5,000/- (Rs. Five thousand only), in default simple imprisonment for six (6) months.*

5. *For the offence punishable under Section 452 of the Indian Penal Code, accused to undergo rigorous imprisonment for one (1) year and to pay a fine of Rs.1,000/- (Rs. One thousand only), in default simple imprisonment for three (3) months."*

3. Heard the learned Counsel for the applicant, the learned APP, and the learned appointed Counsel for respondent No.2.

4. After considering the evidence on record and the submissions made by the learned Counsel for the applicant, this Court is of the *prima facie* view that this is not a fit case for suspension of sentence. Prima facie this is not a case of consensual relation but of forceful sexual assault. The arguments advanced do not, at this stage, persuade the Court to believe that the applicant's sentence deserves to be suspended.

5. The Court has carefully examined the material placed on record and finds no compelling reason to grant the relief sought. The seriousness of the offence, the nature of the evidence, and the stage of the proceedings have all been duly considered. Accordingly, the prayer for suspension of sentence stands rejected.

6. In view of the above, Criminal Application No.2714 of 2024 is hereby

dismissed.

7. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(ARUN R. PEDNEKER, J.)

vj gawade/-.