



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPLICATION NO. 2333 OF 2025
IN
APEAL/480/2025

SOMNATH ALIAS RUSHIKESH EKNATH HAPASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Shashikant E. Shekade
APP for Respondent/State: Mr. D. J. Patil
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 02.07.2025

P.C. :

1] The present application has been filed by the applicant for suspension of substantive sentenced imposed on him in Special Case No.283/2023, dated 16.05.2025, by learned Special Judge, Under POCSO Act and Additional Sessions Judge, Ahmednagar, District Ahmednagar. The applicant has been convicted thus:

"1. Accused Somnath @ Rushikesh Eknath Hapase is hereby convicted under the provisions of Section 235(2) of the Criminal Procedure, 1973 for the offence of Code punishable under u/s, 354, 363 and 366 of IPC and under Section 8 of POCSO Act.

2. Accused Somnath @ Rushikesh Eknath Hapase is convicted under the provisions of Section 235(2) of the Code of Criminal

Procedure, 1973 for the offence punishable under Section 8 of POCSO Act. He is sentenced to suffer R.I. for 4 years and fine of Rs.3,000/- (Rs. Three Thousand only) in default to suffer S.I. for 1 month.

3. Accused Somnath @ Rushikesh Eknath Hapase convicted of under the provisions of Section 235(2) of the Code Criminal Procedure, 1973 for the offence punishable under Section 366 of IPC. He is sentenced to suffer R.I. for 3 years and fine of Rs.3,000/- (Rs. Three Thousand only) in default to suffer S.I. for 1 month.”

2] The learned counsel for the applicant submits that the prosecution has failed to prove offence under Section 376(2)(i)(j), 376(3) of IPC read with Section 4 and 6 of the POCSO Act relating to the penetrative sections. However, the applicant is convicted qua Sections 354, 363, 366 of IPC and Section 8 of the POCSO Act and that the maximum sentence imposed is of 4 years and the sentence of 3 years, however both the sentence are to run concurrently.

3] The learned counsel for the applicant further submits that the applicant is in jail for 21 months i.e. nearly about half of the sentence.

4] Considering the same and that the appeal would take substantial time to conclude the sentence can be

suspended.

5] Considering the submissions, I pass the following order :

ORDER

i] Criminal Application is allowed.

ii] The substantive sentenced imposed on the applicant in Special Case No.283/2023, dated 16.05.2025, by learned Special Judge, Under POCSO Act and Additional Sessions Judge, Ahmednagar, District Ahmednagar, stands suspended till the final hearing and disposal of Criminal Appeal.

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

iv] Bail before the trial Court.

[ARUN R. PEDNEKER]
JUDGE

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