

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

24 CRIMINAL APPLICATION NO. 3299 OF 2025

IN

CRIMINAL APPEAL NO. 634 OF 2025

Ashok Devram Patil,
Age: 57 years, Occu: Agril.,
R/o. Walki, Tq. Chopda,
Dist. Jalgaon

....Applicant

VERSUS

The State Of Maharashtra and Anr.

.....Respondents

.....
Mr. Patil Prafullasing H, Advocate for Applicant
Mr. N. D. Batule, APP for the Respondent No.1 – State
Mr. J. R. Shah, Advocate for Respondent No.2 - Victim
.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 13.10.2025

PER COURT :

1. This is an Application for suspension of substantive sentence imposed by the learned Special Judge (POCSO / Atrocity) and Additional Sessions Judge, Amalner, District Jalgaon, in Special Case (POCSO / Atrocity) No.02/2024, convicting the Applicant / Appellant for the offences punishable under Section 354 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and sentencing him to suffer rigorous imprisonment three (03) years and to pay fine of Rs.2000/-, in default, to suffer simple imprisonment for two (02) months and for the offence punishable under Section 12 of the Protection of Children From Sexual Offences Act, 2012

(hereinafter referred to as 'the POCSO Act') and sentencing him to suffer simple imprisonment for one (01) year and to pay fine of Rs.1000/-, in default, to suffer simple imprisonment for one (01) month and directed that, both the sentence shall run separately.

2. The case of Prosecution, in brief, is that, on 10/12/2023, around 07:00 a.m., when the father of the minor Victim had gone for work, the Applicant called the Victim and made her to sit on his lap by removing his pant. At that time, the Victim pushed the Applicant and ran away. After the Victim's father came to know about the incident, he lodged the report on the very same day. The statements of the victim and the witnesses were recorded, and the Applicant was charge-sheeted. After the trial, the Applicant came to be convicted as referred-above.

3. Heard the learned Advocate for the Applicant, learned APP for Respondent No.1 – State and the learned Advocate for Respondent No.2 – Victim. Perused the papers on record.

4. It is true that, the FIR was lodged on the day of incident, and the Victim has given the history in consonance with the FIR to the Medical Officer. However, the evidence on record shows that, the statement of the Victim was recorded by the Investigating Officer after six (06) days from the incident. On going through the evidence of the Victim, prima facie, the

aspect of her tutoring cannot be ruled out. The sentence awarded to the Applicant is a term sentence. He was on bail during the trial. The Appeal will not come up for final hearing in the near future. Hence, I am inclined to pass the following order:

ORDER

- [I] Criminal Application is allowed.
- [II] The substantive sentence imposed upon the Applicant, namely, Ashok Devram Patil, by the learned Special Judge (POCSO / Atrocity) and Additional Sessions Judge, Amalner, District Jalgaon vide Judgment and Order dated 11/08/2025, passed in Special Case (POCSO / Atrocity) No.02/2024, is hereby suspended till the final disposal of the Appeal.
- [III] The Applicant be released on bail on furnishing P.R. bond of Rs.15,000/- [Rupees Fifteen Thousand] with one surety in the like amount.
- [IV] The Applicant shall co-operate in early disposal of the Appeal.
- [V] Bail before the Trial Court.
- [VI] Criminal Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/October-2025