



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

**CRIMINAL APPLICATION NO.3744 OF 2025  
IN  
CRIMINAL APPEAL (ST) NO.6697 OF 2025**

Ravindra Vasant Gondhe

Age: 32 years, Occ: Labour,

R/o: Khalachi Mahuli (Gondhewadi),

Tal. Sangamner, Dist. Ahmednagar.

.... Applicant

**Versus**

The State of Maharashtra and Anr.

.... Respondents

.....

Mr. A. T. Kanwade, Advocate for the Applicant

Mr. B. A. Shinde, APP for Respondent No.1 – State

Mis. Mayur S. Hange, Advocate for Respondent No.2

.....

**CORAM : NEERAJ P. DHOTE, J.**

**DATE : 16.12.2025**

**PER COURT :**

1. This is an Application for suspension of substantive sentence imposed by the learned Additional Sessions Judge, Sangamner, District Ahmednagar, in Special Case No.26/2020, vide Judgment and Order dated 08/05/2024, convicting and sentencing the Appellant / Applicant as follows :

“(I) The Applicant is convicted for the offence punishable under Section 363 of the Indian Penal Code, 1860 (for short ‘IPC’), and sentenced to suffer R. I. for one year and to pay fine of Rs.1000/-, in default, to suffer R. I. for one month;

(II) The Applicant is convicted for the offence punishable under Section 366 of IPC, and sentenced to suffer R.I. for two years and to pay fine of Rs.2000/-, in default, to suffer R.I. for two months.

- (III) *The Applicant is convicted for the offence punishable under Section 376(3) of IPC and sentenced to suffer R. I. twenty years and to pay fine of Rs.20,000/-, in default, to suffer R. I. for six months.*
- (IV) *The Applicant is convicted for the offence punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') and sentenced to suffer R. I. for five years and to pay fine of Rs.2000/-, in default to suffer R. I. for four months.*

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

3. The case of Prosecution, as seen from the the Police Report, is that, the Applicant and the minor victim are cousins. By expressing love and giving promise of marriage, the Applicant took the victim with him and committed sexual intercourse at the place where they stayed together. On the insistence of the victim, the victim's father was contacted, and the victim went back to home. Thereafter, the report was lodged with the Ghargaon Police Station against the Applicant and the Crime bearing No.189/2018 came to be registered against the Applicant. On completion of investigation, Charge-sheet was filed and after the trial, the Applicant came to be convicted and sentenced as above.

4. The victim is examined as PW – 2. On going through her evidence, it is clear that, though she had the opportunity several times to escape, she continued to stay with the Applicant. During her stay with the

Applicant, she used to go for work and return home. The Applicant and the victim stayed together for a period of more than 2 years where they had sexual intercourse. By examining Witness No.6, the Gram Sevak of the Ghodwal Village, the Prosecution proved the date of birth of the victim entered in the Gram Panchayat as 01/12/2003. Considering the date of incident i.e. December – 2018, the victim was 15 years 2 months and 11 days old at the relevant time. However, in the medical papers, i.e. proforma for investigation of sexual offences, the age of the victim is shown as 15 / 17. The evidence of the victim show that, she was the girl of mature understanding knowing the consequences of any act. The Applicant is having arguable points on merits. The Applicant was on bail during the trial. He is behind the bars for a period of 1 year and 11 months. The Appeal is of 2025 and there is no possibility that, it would come up for final hearing in near future. In this view of the matter, I am inclined to pass the following order:

### **ORDER**

- [I] Criminal Application is allowed.
- [II] The substantive sentence imposed upon the Applicant, namely, Ravindra Vasant Gondhe, by the learned Additional Sessions Judge, Sangmner, vide Judgment and Order dated 08/05/2024, passed in Special Case No.26/2020, 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] The fees of the learned Advocate Miss. Mayur S. Hange appointed to represent Respondent No. 2 / Victim is quantified at Rs.5000/- [Rupees Five Thousand], which shall be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[VII] Criminal Application stands disposed off accordingly.

**[NEERAJ P. DHOTE, J.]**

Sameer/December-2025