



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

**1034 CRIMINAL APPLICATION NO. 3026 OF 2024
IN APEAL/18/2024**

Jitu Alias Jitendra Kautik Dhangar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Warma Bharatkumar Ramdeo

APP for Respondents-State: Mr. N. B. Patil

Advocate for Respondent No.2 : Mr. Krishna Rodge

...

CORAM : ARUN R. PEDNEKER, J.

Dated : June 19, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP.
2. The present application has been filed by the original accused seeking suspension of the substantive sentence imposed on him in Special Case No. 34 of 2018, dated 03/11/2023, by the learned Special Judge (POCSO) and Additional Sessions Judge, Dhule, District Dhule.
3. The applicant has been convicted as under : -

"1) Accused Jitu @ Jitendra Kautik Dhangar is convicted vide Section 235(2) of the Code of Criminal Procedure for the offences punishable under Section 376 of the Indian Penal Code and Section 6 of The Protection of Children From Sexual Offences Act, 2012.

2) He is sentenced to suffer Rigorous Imprisonment for ten years, and to pay fine of Rs. 25,000/- (Rs. Twenty Five Thousand only). In default of payment of fine, he is further sentenced to suffer Rigorous Imprisonment for one month in respect of offence punishable under Section 6 of the The Protection of Children From Sexual Offences Act, 2012.

3) He is acquitted vide Section 235(1) of the Code of Criminal Procedure for the offences punishable under Section 3(1)(w) (i), 3(2)(v) of S.C.S.T. Act.

4) Since sentence is awarded under Section 6 of The Protection of

Children From Sexual Offences Act, 2012, separate sentence for the offence punishable under section 376 of Indian Penal Code, is not awarded in view of Section 42 of Protection of Children from Sexual Offences Act, 2012.

- 5) If fine amount is paid, a sum of Rs. 20,000/- be given to the victim towards compensation under Section 357(1) of Cr.P.C.*
- 6) In addition the Legal Services Authority, Dhule to pay the amount of compensation under Victim Compensation Scheme.*
- 7) The substantive sentence shall run concurrently.*
- 8) Set off is granted to the accused vide section 428 of Code of Criminal Procedure.*
- 9) Seized muddemal i.e. clothes being worthless be destroyed after appeal period is over.*
- 10) A copy of this judgment and order be given to the accused free of cost.*
- 11) A copy of this judgment be sent to Legal Services Authority, Dhule for information and necessary action. "*

4. The offences levelled against the applicant/accused, for which he has been convicted, carry a maximum punishment of ten years, and the lesser sentences are to run concurrently. The learned Counsel for the applicant submits that the applicant has been in jail for seven years as of today. He further submits that the applicant was arrested on 18/06/2018 and has been continuously in custody since then. The appeal may take some time to be heard. Considering that the applicant has substantially undergone the sentence, the substantive sentence is suspended subject to the following conditions : -

ORDER

- 1) The application stands allowed.
- 2) The sentence imposed on the applicant/appellant in Special Case No. 34 of 2018, dated 03/11/2023, by the learned Special Judge (POCSO), Special Court and Additional Sessions Judge, Dhule, District Dhule, is hereby suspended till the final hearing and disposal of Criminal Appeal No. 18 of 2024.
- 3) The applicant/appellant Jitu @ Jitendra s/o Kautik Dhanagar shall be released on execution of a P.R. bond of Rs. 30,000/- (Rupees Thirty Thousand only) with two sureties of Rs. 15,000/- each (Rupees Fifteen Thousand only).
- 4) The applicant/appellant shall not commit any criminal offence during the pendency of the appeal.
- 5) The applicant/appellant shall remain present before the learned Trial Judge once in every six months, commencing from the date he furnishes bail papers, and thereafter on such dates as may be fixed by the Trial Court for his subsequent appearances, until final hearing and disposal of the appeal.
- 6) In case of two consecutive defaults on the part of the applicant/appellant in appearing before the Trial Court, the Trial Court shall inform this Court accordingly, whereupon the prosecution shall be at liberty to move an application for cancellation of the bail granted to the applicant/appellant.
- 7) Bail to be furnished before the Trial Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.