



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

**902 CRIMINAL APPLICATION NO. 1683 OF 2025
IN CRIMINAL APPEAL NO.345 OF 2025**

MUKESH NATHURAM RATHOD

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.N.D.Kendre
APP for Respondent-State : Mrs.A.S.Mantri

...

**WITH
CRIMINAL APPEAL NO. 345 OF 2025**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.06.2025

P.C. :

1] This Court, by order dated 24.06.2025, has noted submissions of the applicant, as under :

1] The learned counsel for the applicant submits that the applicant is falsely implicated in the present case as the wife of the present applicant had lodged a complaint bearing Crime No.219/2023 against brother of the victim under Section 376 (2), 377 of the IPC and under POCSO Act and to counter the aforesaid FIR, the present FIR is registered against the applicant. He further submits that the at the time of incident, grand-mother of the victim was present in the vicinity. He further submits that the applicant is in jail from 1 year and 8 months. He further submits that on earlier two occasions, it is alleged that sexual assault was made by the applicant on the informant and it was on the third assault, the FIR is registered against the present applicant. He further submits that the statement of video recorder is inconsistent with the statement under Section 164 of the victim. He further submits that the medical evidence does not fully support

the case of the prosecution. Considering the said fact, the applicant has arguable case and his application for suspension of sentence be granted.

2] The learned APP submits that PW-12 has conducted medical examination of the victim on 03.11.2023 and the victim has stated the same history of commission of forceful rape by the accused on the day of the incident before the Medical Officer. She further submits that the victim is physically handicapped by both legs and left hand since her birth. The victim is unable to stand up and walk. The medical evidence supports prosecution case. Therefore, she submits that the application for suspension of sentence should not be granted.

3] In view of the above, the application is dismissed. However, in the event Criminal Appeal is not heard within reasonable period of 9 months from today, liberty is granted to the applicant to move fresh application for suspension.

4] Appeal is **admitted**. On admission, the learned APP waives notice of respondent-State.

5] Call R & P.

[ARUN R. PEDNEKER]
JUDGE