



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO. 987/2024

IN

CRIMINAL APPEAL NO. 561/2024

**Kritesh S/o Premdas Mohurle Vs. The State of Maharashtra, through
P.S.O., P.S. Sadar, Dist. Nagpur.**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.M. Daga, Advocate for Applicant
Mr. S.S. Hulke, APP for Respondent No.1
Mr. Anirudh A. Krishnan, Advocate (Appointed) for Respondent No.2

CORAM: NIVEDITA P. MEHTA, J.

DATED : 29th SEPTEMBER, 2025

1. The applicant has preferred the present application under Section 389 of the Code of Criminal Procedure and Section 430 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for suspension of sentence.

2. The applicant has challenged the order passed by the Additional Sessions Judge-7, Nagpur, whereby the accused was convicted for the offences punishable under Sections 376(2)(j) & (n) of the Indian Penal Code and under Section 5(l) and (n) of the Protection of Children from Sexual Offences Act, 2012 and he is sentenced for the offence under Section 5(l) & (n) punishable under Section 6 of the POSCSO Act with rigorous imprisonment for 22 years with fine of Rs.50,000/- and in default further 1 year rigorous imprisonment.

3. I have gone through the statements of the victim, Doctor and the Investigating Officer, wherein the role attributed to the present applicant is comparatively lessor than the main accused. The Coordinate Bench of this Court has already allowed the application of the main accused for suspension of sentence on 24.03.2025. The learned counsel for the applicant has submitted that throughout the trial, the applicant was on bail and he has not misused the liberty so granted by the Court.

4. The learned Additional Public Prosecutor has strongly opposed the said application and submitted that the victim was 15 years at the relevant time and her consent is not relevant. Moreover, the evidence of the victim demonstrate that the present applicant has threatened her and forcibly had sexual intercourse with her. Considering the nature of evidence the application deserves to be rejected.

5. The learned counsel (appointed) for the respondent No.2 - victim has also strongly opposed the application and prayed for rejection of the application.

5. Upon considering the submissions, material on record and also the evidence of the victim, which clearly reflects the circumstances in which the alleged incident took place. The appeal will take its own course and in view of the fact that the sentence of the main accused was already suspended by the

Coordinate Bench of this Court, the execution of the sentence deserves to be allowed. The sentence of the applicant shall be suspended on the following terms and conditions.

I. Accordingly, the application is allowed on the applicant furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) and one solvent surety in like amount.

II. The applicant shall attend the Additional Sessions Judge-12, Nagpur on every first Tuesday of the month, till the disposal of the appeal.

III. The applicant shall furnish his address and mobile number to the trial Court.

CRIMINAL APPEAL NO. 561/2024.

Heard.

2. Appeal is already admitted and R & P is already received.

3. List the appeal after preparation of the paper book for final disposal.

(NIVEDITA P. MEHTA, J.)