



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

CRIMINAL APPLICATION (APPA) NO. 920/2025
IN
CRIMINAL APPEAL NO.548/2025

Sachin Ramrao Ghorpade

Vs.

The State of Maharashtra, Through the Police Station Officer, P.S. Jalalkheda,
District 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. A.R. Fule, Advocate for Applicant

Mr. A.R. Chutke, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 7th NOVEMBER, 2025

1. The applicant has preferred the present appeal challenging the judgment and order dated 08.10.2025, passed by the learned Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur, in Special Criminal (Child) Case No. 409/2022.

2. By the impugned judgment, the applicant stands convicted for the following offences:

a. Section 452 of the Indian Penal Code (IPC) – sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 1,000/-, in default, to suffer rigorous imprisonment for three months.

b. Section 8 of the Protection of Children from Sexual Offences Act, 2012 – sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs. 5,000/-, in default, to suffer rigorous imprisonment for six months.

3. At the outset, the learned counsel for the applicant submits that the applicant was on bail during the trial and has not misused the liberty granted to him. It is submitted that the allegations made by the prosecution are vague and that there exist material discrepancies in the testimony of the victim. The learned counsel contends that the conviction is based on an erroneous appreciation of facts and law, and that the applicant has a fair and arguable case on merits. It is further submitted that the sentence imposed is of a comparatively short duration of three years, and therefore, the applicant prays for suspension of sentence during the pendency of the appeal.

4. Per contra, the learned Additional Public Prosecutor opposed the application, contending that if the sentence is suspended, there is a possibility of the applicant tampering with the prosecution witnesses. It is submitted that the trial Court, after due appreciation of the evidence on record, has rightly convicted the applicant, and therefore, no case for suspension of sentence is made out.

5. Upon considering the rival submissions, the nature of the offence, the quantum of sentence imposed, and the fact that the applicant was on bail during the trial and did not misuse the liberty so granted, this Court is of the considered view that the applicant has made out a case for suspension of sentence pending appeal.

6. Accordingly, the application is allowed. The substantive sentence imposed by the learned Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur, in Special Criminal (Child) Case No. 409/2022, by judgment and order dated 08.10.2025, is hereby suspended, subject to the following terms and conditions:

I. The applicant/appellant shall be released on bail on furnishing a PR bond of Rs. 20,000/- with one solvent surety in the like amount before the trial court.

II. The applicant shall report before the concerned trial Court on the first Wednesday of every calendar month until further orders.

III. The applicant shall furnish his current residential address and mobile number to the concerned Sessions Court and shall inform the Court forthwith of any change in address or contact number.

The application shall stand disposed off.

CRIMINAL APPEAL NO. 548/2025

Heard.

ADMIT.

Issue notice to the respondent.

The learned APP waives service of notice.

Call for R & P

(NIVEDITA P. MEHTA, J.)

MP Deshpande