



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

CRIMINAL APPLICATION (APPA) NO. 974/2025
IN
CRIMINAL APPEAL NO. 575/2025

**Samrat Laxman Sasane Vs. The State of Maharashtra, PSO Through
the P.S.O. Police Station Jalamb, Tq. Shegaon, Dist. Buldana and
another**

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. Abhay Dhage, Advocate for Applicant / Appellant
Mrs. H.N. Prabhu, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 28th NOVEMBER, 2025

1. This application has been filed by the applicant under Section 430 of the *Bhartiya Nagarik Suraksha Sanhita, 2023*, seeking suspension of the sentence imposed upon him. The applicant was convicted by the learned Additional Sessions Judge, Khamgaon, District Buldana, in Special Case No. 38/2020, by judgment and order dated 09.09.2025.

2. The applicant stands convicted of the following offences:

Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act): sentenced to suffer simple imprisonment for three years and to pay a fine of Rs. 2,000/-, and in default, to suffer simple imprisonment for two months;

Section 12 of the POCSO Act: sentenced to suffer simple imprisonment for three years and to pay a fine of Rs. 2,000/-, and in default, to suffer simple imprisonment for two months.

In view of Section 42 of the POCSO Act, no separate sentences have been awarded for the offences punishable under Sections 354, 354-A, and 509 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the prosecution case is marred by material contradictions and omissions and that the learned trial Court failed to properly appreciate the evidence on record. It is contended that the conviction is based on conjectures and surmises. It is further urged that the applicant was on bail throughout the trial and has not misused the liberty granted to him. Considering that the sentence imposed is of a short duration and that the applicant has a good case on merits, it is prayed that the substantive sentence be suspended during the pendency of the appeal.

4. Per contra, the learned Additional Public Prosecutor has opposed the application, submitting that no interference is warranted with the well-reasoned judgment of conviction. It is further submitted that releasing the applicant during the pendency of the appeal may result in misuse of liberty, and therefore, the application deserves to be rejected.

5. Upon considering the rival submissions and having regard to the fact that the sentence imposed upon the applicant is of a short term, coupled with the circumstance that he was on bail throughout the trial without any reported misuse of liberty, and further noting that there is little likelihood of the appeal being heard in the near future, 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 upon the applicant by the learned Additional Sessions Judge, Khamgaon, District Buldana, in Special Case No. 38/2020, vide judgment and order dated 09.09.2025, is hereby suspended, subject to the following terms and conditions:

I. The applicant / appellant shall be released on bail on furnishing PR bond of Rs.25,000/- with solvent surety in the like amount before the trial Court.

II. The applicant shall report before the concerned trial Court on the first day of every calender 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 about change of address or contact number forthwith.

The application shall stand disposed off.

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Heard.

ADMIT.

Issue notice to the respondent, returnable on
2.12.2025.

The learned APP waives service of notice.

Call for R & P

(NIVEDITA P. MEHTA, J.)

MP Deshpande