2026:BHC-AUG:54747

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4470 OF 2024
IN CRIMINAL APPEAL NO. 524 OF 2024

Dattu Pandharinath Dolzake
Age 57 years, Occupation Labour,
R/o Hiwargaon Pathar, Taluka Sangamner,
District Ahmednagar. … Applicant
[Original Accused]

Versus

1. The State of Maharashtra
Through its Police Inspector,
Ghargaon Police Station, Taluka Sangamner,
District Ahmednagar.

2. X. Y. Z. … Respondents

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Mr. Ajay T. Kanawade, Advocate for the Applicant.
Mr. V. S. Badakh, APP for Respondent No.1-State.
Mr. P.A. Dhakane, Advocate for Respondent No.2 (appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 05.11.2026

ORDER :

1. Present application is for suspension of substantive sentence and grant of bail as a result of judgment and order of conviction dated 19.03.2024 rendered by learned District Judge-3 and Additional Sessions Judge, Sangamner in Special Case No. 29 of 2021.

2. It is pointed out that, applicant was held guilty vide above trial. That, trial court was pleased to sentence applicant to suffer imprisonment for five years for offence under Section 9 of the POCSO Act, 3 years for offence under Section 7 of the POCSO Act and 6 months for offence under Section 354-A IPC. That, the said judgment is under challenge. Applicant is 57 years of age. He is behind bars since almost 11 month or so. That, the appeal may not be heard earlier and for such reasons, above relief is urged for.

3. Learned APP as well as learned counsel for the victim, both oppose by pointing out that victim was around 10 to 12 years of age. That, there is not only testimony of victim, but also eye witness account of victim's uncle PW2. Act of the accused is proved beyond reasonable doubt and therefore, it being a crime on a child, learned trial court rightly convicted the accused and it being serious offence, they oppose the relief.

4. Heard. Perused the papers. Case of prosecution seems to be based on the evidence of 7 witnesses. In support of proof of age, there seems to be admission extract of 1st standard along with date of birth. Taking the same into account and the date of occurrence, indeed, victim is proved to be a child. Victim's testimony is at Exhibit 27.

While answering question no.9, she has narrated the act of accused of pressing her breasts after disrobing her. Complainant PW2 uncle, in his evidence at Exhibit 28, in para 2, has testified about seeing his sister in nude condition with accused, while she was being searched for. Thus, there is eye witness account. Consequently, no good ground being raised for relief of suspension of sentence, following order is passed :

ORDER

Application is rejected.

[ABHAY S. WAGHWASE, J.]

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