



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4180 OF 2025

IN

CRIMINAL APPEAL NO. 845 OF 2025

Sayyad Sajjiad Sayyad Salim

...Applicant

Versus

The State of Maharashtra and Another

...Respondents

WITH

CRIMINAL APPEAL NO. 845 OF 2025

Mr. Mantri Suraj Rajendra, Advocate for the Applicant.

Mr. V. K. Kotecha, APP for Respondent – State.

CORAM : RAJNISH R. VYAS, J.

DATE : JANUARY 23, 2026

PER COURT :

1. This is an appeal against conviction under Protection of Children from Sexual Offences Act, 2012. The office note shows that respondent No.2 is served, but nobody has put appearance on behalf of the victim.

2. In that view of the matter, I have requested Ms. Shilpa Awchar, who has graciously accepted my request and has shown her willingness to assist the Court in the matter.

3. In that view, Ms. Shilpa Awchar is hereby appointed to represent the victim.

4. The learned counsel for the applicant is directed to provide all necessary documents to the counsel.

5. This is an application for grant of bail and suspension of sentence. At the outset, it is necessary to state that though the learned counsel for the victim was appointed today, she has in a brief time has gone through the record and was ready with the matter.

6. The learned counsel for the applicant submitted that he was tried for the commission of offences punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the “Act of 2012” for the sake of brevity), so also Section 354-D of the Indian Penal Code, 1860 (hereinafter referred to as the “IPC” for the sake of brevity).

7. On 10th October 2025, the Special Judge, Nanded in Special Case (POCSO) No.4 of 2022, acquitted the applicant for the commission of offence punishable under Section 504 and 506 of the IPC, so also Section 8 and 12 of the Act of 2012.

8. The applicant was convicted for the commission of offence punishable under Section 354-D of the IPC and sentenced to suffer imprisonment for two years and pay fine of ₹ 10,000/-. Default sentence was also imposed upon him.

9. The learned counsel for the applicant submitted that all throughout the trial he was on bail and he did not misuse his liberty. The applicant has also deposited amount of fine and after pronouncement of judgment of conviction, he has surrendered the custody of the Court and subsequently his sentence was suspended. He therefore submitted that considering the length of sentence and the age of the present applicant, sentence be suspended. According to him, the testimony of the victim below Exhibit 33 will have to be re-looked.

10. Per contra, learned APP and the learned appointed counsel opposed the application on the ground that crime is against woman and should be dealt with an iron hand.

11. I have gone the record of the case, in order to bring home the charge, the prosecution has examined in all 4 witnesses, out of which, PW-1 was the victim. PW-1's testimony will have to be looked

into in the light of the grounds raised in the memo of the appeal.

12. Admittedly, the applicant was on bail and he did not misuse his liberty. Considering the fact that the sentence is of two years only, the present application is required to be allowed.

13. Accordingly the application is allowed and the following order is passed.

ORDER

A) The sentence imposed in Special Case (POCSO) No.4 of 2022 dated 10th October 2025, passed by the learned Special Judge, Nanded, convicting the applicant for the commission of the offence punishable under Section 354-D of the IPC, for two years, is hereby suspended till final hearing of the appeal.

B) The applicant be released on bail on the same terms and conditions as were imposed by the Trial Court.

14. Fees of the learned appointed counsel be quantified as ₹ 7,000/-

(RAJNISH R. VYAS, J.)