



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2000 OF 2025

IN

CRIMINAL APPEAL NO. 955 OF 2025

Sanjay Sampat Chandanshive,
Age : 54 Years, Occu : Nil.,
R/o. Tembhurani, Tq. Jafrabad,
Dist. Jalna

...APPLICANT

VERSUS

1. The State of Maharashtra
Through Police Station Officer,
Tembhurani, Tq. Jafrabad,
Dist. Jalna

2. X.Y.Z. (Victim)

...RESPONDENTS

WITH

CRIMINAL APPEAL NO. 955 OF 2025

Ms. Helkute Nirmala K., Advocate for the Applicant (Through Legal Aid)

Ms. U. S. Bhosale, APP for Respondent – State.

Ms. Jamdhade Pratibha R., Advocate for the Victim (Through Legal Aid)

CORAM : RAJNISH R. VYAS, J.

DATE : JANUARY 16, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence.

2. The applicant who is the original accused No.1 was convicted by the Special Judge, Jalna in Special Case No.196 of 2023,

for commission of an offence punishable under Section 377 of the Indian Penal Code and directed to suffer rigorous imprisonment for seven years and to pay fine. He was also convicted for commission of offence punishable under Section 506 of the Indian Penal Code and directed to suffer imprisonment for a period of one year, so also deposit the pay of fine. The sentences were ordered to run concurrently.

3. Sofar as offences under the provisions of the Protection of Children from Sexual Offences Act are concerned, the applicant was acquitted as well as for commission of offence punishable under Section 66-E of the Information Technology Act.

4. In order to bring home the charge, the prosecution has examined total 11 witnesses.

THE STORY OF PROSECUTION IN SHORT CAN BE SAID TO BE AS UNDER:

5. On the day of incident, the victim, who was a boy aged of 15 years (age was not proved by the prosecution) was taken by the accused in a dilapidated quarter and there he was subjected to unnatural sex. The video of said incident was prepared by accused No.2, which was seen by PW-5.

6. PW-5 then showed the said video to PW-1, who was the father of the victim.

7. On the basis of information supplied by PW-1, the first information report was registered.

8. During the course of investigation, the victim was subjected to medical examination. It is in this background the applicant was charge-sheeted, tried, and convicted for the commission of offence punishable under Sections 377 and 506 of IPC.

9. Ms. Helkute, learned appointed counsel, submits that there is absolutely no evidence to show that the victim was subjected to any unnatural sexual intercourse, since the medical evidence in support of the case of the prosecution is missing. She further submitted that even the age of the victim was not proved and the co-accused were acquitted. According to her, the acquittal of the applicant under the provisions of the Protection of Children from Sexual Offences Act, and Information Technology Act, was not challenged either by the State or the victim, and therefore findings in that regard have become final.

10. Per contra, learned APP, Ms. Bhosale, has supported the judgment and has categorically stated that though the age might not

have been proved by the prosecution, the fact remains that the testimony of PW-5, PW-1 and PW-2 is consistent. she submits that nothing has been brought on record by way of cross-examination to disbelieve the story advanced by the prosecution.

11. The learned counsel for the victim, Ms. Pratibha Jamdhade, has supported the stand of the learned APP and has submitted that there are absolutely no grounds made out by the applicant for suspension of his sentence.

12. I have gone through the record of the case and the paper book produced by the learned counsel for the applicant. It is necessary to mention here that, in order to bring home the charge, the prosecution has examined total 11 witnesses. Though PW-4, the Medical Officer, has not stated anything about the injury on the private part either of the victim or of the accused, the fact remains that PW-2, who was at the relevant time, studying in the 8th standard, has categorically stated that he was subjected to the unnatural sex. Nothing has been brought on record to show that there was any attempt for false implication the applicant. The only stand taken by the applicant regarding false implication is that, on the day of the incident, accused No.1 had been to the stall which was run by PW-1

and had eaten something there, due to which the dispute arose. *Prima facie*, I do not find it to be a sufficient ground for false implication of the appellant. The appellant was not on bail during the course of trial. Now, by judgment of conviction, the presumption which is available to the accused of innocence is lost. In that view of the matter, there is no merit in an application for suspension of sentence. Hence, the same is rejected.

13. Since the paper book is already tendered across the bar by the learned counsel for the applicant, the matter can be fixed for final hearing, as the accused is behind the bars.

14. The learned counsel for the appellant was appointed by the legal aid, her fees be quantified as per Rules.

15. The learned counsel for the victim has ably assisted the Court and she was appointed by the Court to represent the victim, her fees be quantified to the tune of ₹ 7,000/-.

16. List the Criminal Appeal No.955 of 2025 on **30th January 2026.**

(RAJNISH R. VYAS, J.)