



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 533 OF 2026
IN APPEAL/87/2026**

VISHAL RAMESH KOLI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Chetan Barku Chaudhari

APP for Respondent no.1 : Mr.N.S.Tekale

Advocate for Respondent no.2 : Mr.Smita R. Chole - Kendre
(Appointed through Legal Aid)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 MARCH, 2026

PRONOUNCED ON : 26 MARCH, 2026

ORDER :

1. This is an application for suspension of sentence awarded by learned Special Judge (POCSO) and Additional Sessions Judge, Dhule, in Special Case No.16 of 2020, convicting applicant for offence under Section 376(2)(n) of the Indian Penal Code (IPC) and Sections 4 and 6 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. Learned counsel for applicant submitted that by the impugned judgment and order dated 22-01-2026, applicant came to be

convicted by above Court and is awarded sentence of 20 years. According to him, though, victim is around 17 years of age, she had attained the age of understanding. That, accused is barely 23 years of age. That, there were love relations. That, victim had herself accompanied accused. Therefore, there is a good case on merits in appeal. However, as much more time would be required to hear the appeal, which is filed recently, he urges for suspension of sentence. Learned counsel pointed out that, applicant was on bail during trial and that fine amount is paid.

Learned counsel seeks reliance on the decision of this Court in Criminal Appeal Nos.1184 of 2019 and 462 of 2020.

3. Learned counsel for the respondent no.2/victim as well as learned APP both opposed on the ground that admittedly victim is a minor. That, on the strength of evidence, her age has been proved. That, being a minor, her consent is insignificant even if there is love affair and for above reasons, application is opposed.

4. Heard perused the papers.

5. It appears that present applicant was tried vide Special Case No.16 of 2020 for commission for offence under Section 376(2)(n) of the IPC and under Sections 4 and 6 of the POCSO Act. Trial ended up in conviction whereby punishment of rigorous imprisonment for 20 years is awarded for offence under Section 6 of the POCSO Act. Though, appeal has been preferred, considering the nature of offence, which is proved, and the quantum of sentence, this Court is not inclined to grant relief of suspension of sentence. If so desire, the appeal can be taken up for hearing. Hence, the following order.

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE