

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 151 OF 2026

IN

CR. APPEAL NO. 56 OF 2026

AKASH MAHADEV AAWATI

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

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Advocate for Applicant : Senior Advocate Mr. Satish Maneshinde
a/w Ms. Namita Maneshinde, Mr. Nikhil Maneshinde i/b Ms. Tanvii
Tapkire

APP for Respondent-State : Mr. N. B. Patil

Advocate for Respondent No. 2 : Mr. Arun Prabhu Bolaj

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CORAM : SACHIN S. DESHMUKH, J.

Date : 25th March, 2026

PER COURT :-

1. Heard learned Senior Counsel for the applicant, learned
APP for the State and learned counsel for respondent No. 2.

2. By this application, the applicant seeks the suspension
of sentence imposed by the Fast Track Special Court, Kolhapur, in
Sessions Case No. 240 of 2019. The applicant was convicted and
sentenced to ten years of rigorous imprisonment under Section 376
of the IPC, one year under Section 420, and two years under
Section 506.

3. Learned counsel for the applicant submits that fine amount is deposited by the applicant. The applicant was on bail during the course of trial and has not misused the liberty. Hence, requested to allow the application.

4. It is contention of learned APP that prosecution has proved the case beyond the reasonable doubt. The Trial Court has rendered a well reasoned order and no interference is required in it. Hence, requested to reject the application.

5. I have heard both learned counsel, perused impugned Judgment and Order. The applicant was admittedly on bail during the pendency of the trial and there is no report of him having misused his liberty, overawed the witnesses, or interfered with the administration of justice. Furthermore, the applicant has no prior criminal history, indicating that he is not a habitual offender a continuous threat to society if released pending appeal.

6. It is settled position that when a fixed-term sentence is imposed, the appellate court should ordinarily suspend the sentence unless there are exceptional circumstances to the contrary. In the present case, no such exceptional circumstances have been brought to the notice of this Court. The convictions under Sections 420 and 506 are ancillary to the main charge.

Considering that the primary charge under Section 376 warrants a re-examination of the evidence, the sentences for these lesser offences are also liable to be suspended to ensure a consistent judicial approach during the appellate process. Hence, following order.

ORDER

- I. The application is allowed.
- II. The substantive sentence of imprisonment awarded to the applicant by the learned Fast Track Special Court, Kolhapur, in Sessions Case No. 240 of 2019, is hereby suspended.
- III. The applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 50,000/- (Rs. Fifty Thousands Only) and two solvent sureties in the like amount.
- IV. Applicant shall mark his presence before the learned Fast Track Special Court, Kolhapur, once in three months on the date assigned by the concerned Court.

The application is disposed of accordingly.

(SACHIN S. DESHMUKH, J.)