

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL INTERIM APPLICATION NO. 287 OF 2026
IN CRIMINAL APPEAL NO. 106 OF 2026

NITESH NARAYAN RANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sangram D. Desai a/w
Mr. Shrikrishna Ganbavle, Ms. Prerna Somani, Ms. Sanjana Desai,
Mr. Advait Vajaratkar and Ms. Janhavi Dudhwadkar
Advocate for Respondent : Mr. A. S. Shalgaonkar

...
WITH CRIMINAL INTERIM APPLICATION NO. 288 OF 2026
IN CRIMINAL APPEAL NO. 106 OF 2026
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-05-2026

PER COURT:-

1. Heard.
2. Issue notice. Learned A.P.P. waives service of notice for the respondent.
3. By this *interim* application No.287 of 2026, the applicant (accused No.1) seeks suspension of sentence awarded in judgment and order rendered by the learned Additional Sessions Judge, Sindhudurg at Oras, in Sessions Case No.13 of 2021, dated 27.04.2026.

4. The applicant is convicted by the trial court for the offence punishable under Sections 504 of the Indian Penal Code, 1860. The sentence awarded to applicant No.1 by the trial Court is as under :

1. Accused No.1 Nitesh Narayan Rane [A1], R/o.Kankavali, Dist. Sindhudurg, is convicted for the offence punishable under Section 504 of the Indian Penal Code, 1860 vide Section 235(2) of the Code of Criminal Procedure, 1973 and sentenced to undergo Simple Imprisonment for 1(one) month and to pay fine of Rs. 1,00,000/- (Rs. One Lakh only) in default to undergo simple imprisonment for 7(Seven) days.
2. Accused No.1 is in custody from 05.07.2019 to 09.07.2019. Hence, he is entitled for set off for the aforesaid period already undergone in custody as per Section 428 of the Code of Criminal Procedure, 1973.

5. Learned counsel for the applicant submits that the trial court's judgment is contrary to the law and the evidence on record. It is contended that the court erred in convicting the applicant under Section 504 of the Indian Penal Code, especially considering that the prosecution failed to prove its case beyond a reasonable doubt, as evidenced by the acquittal of accused Nos. 2 to 30. Hence, the impugned order is liable to be quashed and set aside.

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

7. Having heard both learned counsel and perused the impugned judgment, I find that certain plausible grounds are raised by the Applicant and considering that the applicant is awarded a short-term sentence of one month coupled with the fact that disposal of the Appeal may take a considerable period, the sentence deserves to be suspended. Hence, the order:-

ORDER

- (i) The criminal interim application No.287 of 2026 is allowed.
- (ii) The sentence awarded in judgment and order rendered by the learned Additional Sessions Judge, Sindhudurg at Oras, in Sessions Case No.13 of 2021, dated 27.04.2026, is hereby suspended.
- (iii) The applicant/accused be enlarged on bail on furnishing PR Bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand), and one solvent surety, in the like amount, before the learned Additional Sessions Judge, Sindhudurg at Oras.
- (iv) Applicant shall mark presence before the concerned Sessions Court, once in three months on the date assigned by the concerned Court.
- (v) The criminal interim application is disposed of accordingly.

[SACHIN S. DESHMUKH]
JUDGE