



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.748/2025

IN

CRIMINAL APPEAL NO.427/2025

(Madhukar Hari Rangari Vs. State of Maharashtra, through Police Station Officer, Police Station, Lakhandur, Tq.
Lakhandur, Distt. Bhandara)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.H. Banbode, Advocate for the Appellant.
Ms. Sneha S. Dhote, A.P.P. for the Respondent No.1/State.
Mr. Yash Bage, Advocate (appointed) for the Respondent No.2/Victim.

CORAM: NEERAJ P. DHOTE, J.

DATED: 10.4.2026.

This is an Application for suspension of sentence awarded by the learned Additional Sessions Judge, Bhandara in Special (POCSO) Case No.87/2021 convicting and sentencing the Appellant as follows:-

"1) Accused Madhukar Hari Rangari, R/o Opara, Tah. Lakhandur Dist. Bhandara is hereby convicted for the offence punishable under Sections 376(AB), 506, 342, 323 of the Indian Penal Code and Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012 vide Section 235(2) of the Criminal Procedure Code. But, no separate punishment is being awarded to him for offence under section 376(AB) of the Indian Penal Code as per the provisions of section 42 of the Protection of Children from Sexual Offences Act, 2012 since the punishment is being imposed for offence under section 6 of the said Act.

2) For the offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012, he is sentenced to suffer rigorous imprisonment of 20 years and pay fine amount of Rs.1,000 in default to suffer simple imprisonment of six months.

3) *For the offence under section 10 of the Protection of Children from Sexual Offences Act, 2012, he is further sentenced to suffer rigorous imprisonment of 05 years and pay fine amount of Rs.1,000 in default to suffer simple imprisonment of three months.*

4) *For the offence under section 506 of the Indian Penal Code, he is further sentenced to suffer rigorous imprisonment of six months.*

5) *For the offence under Section 342 of the Indian Penal Code, he is further sentenced to suffer rigorous imprisonment of six months.*

6) *For the offence under Section 323 of the Indian Penal Code, he is further sentenced to suffer rigorous imprisonment of three months.*

7) *All the aforesaid sentences shall run concurrently.*

8) *The period of detention undergone by the accused during investigation, inquiry and trial of this case shall be set off against the term of imprisonment imposed on him as per Section 428 of the Code of Criminal Procedure.*

9) *Fine amount imposed for conviction under Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012 shall be paid to both the victims equally to meet the medical expenses and rehabilitation.*

10) *Since the compensation awarded under section 6(2) of the Protection of Children from Sexual Offences Act, 2012 for rehabilitation of the victims is not adequate, it is hereby recommended to the District Legal Services Authority, Bhandara to award adequate compensation amount, if any found after due inquiry, to the victims as per section 357-A(5) of the Criminal Procedure Code.*

11) *Property shown to be seized as per list Exh.10 at Sr. No.1 to 12 being worthless be destroyed and disposed of according to law after expiry of appeal period and if appeal is preferred then after disposal of the appeal.*

12) *Property shown to be seized as per list Exh.10 at Sr. No.13 electronic devices i.e. Scan Disk Cruzer Blade 16 GB pen drive shown to have seized in this case be crushed into pieces or it be burnt in a high voltage furnace in presence of the Superintendent of District and Sessions Court, Bhandara after expiry of appeal period and if appeal is preferred then after disposal of the appeal.*

13) *Accused is informed about his right to file an appeal.*

14) *Copy of the judgment be provided to accused free of cost.*

15) *Copy of the judgment be sent to the District Magistrate in view of Section 365 of the Criminal Procedure Code.*

Dictated and Pronounced in open Court”

2. The prosecution's case as stated in the impugned judgment is reproduced below:-

“4) The incident was occurred on 3/8/2021 when corona pandemic was prevailing. At around 2.00 p.m., both victims were proceeding towards house of one Sapana aunty to see if she accomplished the work of sewing salwar of victim No.2 which was given to her for that purpose. On the way, accused age 55 years called them towards his house. When they reached at his doorstep, he caught hold of their hands and pulled them inside his house and closed the door. He removed clothes of both the victims. The victims were screaming.

He pressed mouth of victim No.1 by his hand and beat on her back with footwear and hand. He raised stick to beat victim No.2. Both the victims got terrified and stopped screaming due to fear. Then accused put off his own clothes. Accused made victim No.2 to sleep and inserted his organ of urination into the organ of urination of victim No.2. He slept over her body for a while. Then he got up and made victim No.1 to sleep and inserted his organ of urination into her organ of urination and slept over her body for a while. During this incident, both the victims tried to run away but the accused had already bolted the door and threatened them to kill. Therefore, they could not come out of the house. Neighbour Sulbha Akka peeped through the window of that room and went away. After a while, somebody knocked the front door loudly. Due to which, accused wore his pant and ran away from the back door of the room. Then grandfather of the victims, who is buddhist priest, gained the entry from back door and upon seeing, victim No.1 in naked condition and victim No.2, who wore her clothes by that time, he asked them as to what was happened. They narrated their plight to him. It is alleged that during that incident accused confined both the minor girls inside the room for about an hour. Then the victims along with their grandfather and other relatives had been to police station and lodged the report. Victim No.1 is shown the informant.”

3. Heard the learned Advocate for the Appellant, the learned A.P.P. for the State and the learned Advocate for the Victim. With their assistance perused the papers on record.
4. It is submitted by the learned Advocate for the Appellant that, the Appellant is 81 years of age. Both the Victims were ‘child’ and they were tutored witnesses. The medical evidence do not support the prosecution’s case of penetrative sexual assault. The learned trial Court has not appreciated the evidence in its right perspective. The

Appeal would take its own time for final hearing. The Appellant be enlarged on bail and he is ready to abide by any conditions.

5. It is submitted by the learned A.P.P. and learned Advocate for the Victim that, the evidence of two child witnesses shows that, the Appellant committed the penetrative sexual assault on them at his house. There was injury on the private part of one of the Victim. There was injury on the private part of the Appellant. The Charge was proved by the prosecution and the learned trial Court has rightly convicted and sentenced the Appellant.

6. At the time of incident the Appellant was aged 76 years. The evidence of one of the Victim who is examined as P.W.1 shows that, before her evidence, she read her statement 5 to 6 times and had memorized the same. Her evidence further shows that, she kept quite and the police typed the statement. The evidence of the other Victim who is examined as P.W.2 shows that, the police removed the print out and asked the other Victim i.e. P.W.1 to sign on the same and did not read over the statement to the Victim. The medical evidence shows that, hymen of both the Victims was intact. The abrasion was noticed on the lower labia majora internal region at 5^o Clock position and redness present over Fourchette and Introitus. Opinion of the Medical Officer who is examined as P.W.6 shows that, his opinion was provisional and no final opinion was sought after the FSL Report. The evidence of P.W.9 Medical Officer who has examined the Appellant shows that, abrasion over the frenulum can occur due to various reasons. The C.A. Report in respect of seized articles including the clothes of the Victims is not incriminating as neither blood nor semen was detected on the same. These aspects show that, the Appellant has

arguable case on merits and the possibility of scaling down the offence cannot be ruled out. The Appellant is behind bars for a period of more than 5 years. Though the Appeal is admitted the paper book is not yet ready, therefore, the hearing of the Appeal may take time. Presently, the Appellant is reported to be 81 years of age. In this view of the matter, following order is passed:-

ORDER

- i) The Application is allowed.
- ii) The sentence imposed on the Appellant by the learned Additional Sessions Judge, Bhandara in Special (POCSO) Case No.87/2021 is suspended on his executing P.R. Bond for Rs.25,000/- with one solvent surety in the like amount.
- iii) The Appellant shall not change the place of his residence without permission of this Court.
- iv) The fees of learned Advocate for the Respondent No.2/Victim is quantified at Rs.12,000/-. The same shall be paid by the High Court Legal Services Authority.
- v) The Application is disposed of in the above terms.

(NEERAJ P DHOTE, J.)