



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

CRIMINAL APPLICATION (APPA) NO. 796/2025

IN

CRIMINAL APPEAL NO. 457/2025

Ramesh Janardhan Narnavare and Anr.

Vs.

State of Maharashtra and Anr.

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

Court's or Judge's order

Mr. Sangram Sirpurkar and Mr. S. P. Bhandarkar, Advocate for
Appellant/Applicant.
Ms S. S. Dhote, A.P.P. for Respondent/State.

CORAM : NEERAJ P. DHOTE, J.

DATED : 13.01.2026

1. This is an application for suspension of sentence imposed by the learned Additional Sessions Judge, Warud, District Amravati on 24.07.2025 in Special Case No.234/2023 convicting the Applicants/Appellants for the offence punishable under Section 376-D of the Indian Penal Code, 1860 and sentencing them to suffer rigorous imprisonment for 20 years each and directed to pay a fine of Rs.10,000/- each, in default to suffer rigorous imprisonment for 6 months.

2. The case of the prosecution in brief is that, the victim, who was little over 17 years of age was contacted by the Applicant Ramesh on the phone and he insisted her to meet him. Being fed up of the repeated request by the Applicant - Ramesh, victim left her house by bus and reached Mowad on 21.03.2025. Applicant No.1 - Ramesh and Applicant No.2- Mangesh were present at the bus stop and

on their insistence, the victim sat on the motorcycle. The Applicants took her to one lonely bushy place and committed rape on her. The victim narrated the said incident to her parents on 23.03.2025 and they approached the Police Station and lodged the report. The crime came to be registered against both the Applicants for the offence punishable under Section 376-D of the Indian Penal Code, 1860. On completion of the investigation, the Applicants were charge-sheeted, tried and convicted.

3. It is submitted by the learned Advocate for the Applicant that the testimony of the victim is not believable. She gave contrary history to the Medical Officer. The medical evidence do not show injury on the victim. The D.N.A. report was not incriminating in nature. The applicants were on bail during the trial. Hence, the application be allowed.

4. It is submitted by the learned A.P.P. for the State that, the victim deposed about the incident in detailed against the applicants. The prosecution has proved that, the victim was below 18 years of age at the time of incident. Though the medical evidence do not show any injury on her person, C.A. report show that the semen stains of the Applicant -Ramesh was found on the victim's frock. The victim's testimony was sufficient to maintain the conviction. Hence, the application be rejected.

5. It is submitted by the learned Advocate for the respondent No.2 – victim that, she adopts the submission made by the learned A.P.P.

6. With the assistance of both the sides, perused the relevant evidence. The victim is examined as P.W.-1. In her testimony, she deposed the act of rape by the applicants on her at one bushy place on 21.03.2015. Undisputedly, the First Information Report is lodged on 23.03.2015 i.e. after two days. Though the place of incident was a bushy place, undisputedly, no injuries were found on the person of the victim. Though the victim deposed in her evidence that the Applicant - Ramesh was her relative, in her cross-examination, she denies the same and deposed that she had no relation with Applicant – Ramesh. The medical papers show that, the victim gave the history of one more incident prior to the incident in question of sexual intercourse by the Applicant – Ramesh with her. Undisputedly, no report is lodged in respect of the said incident. Medical papers show that, the victim's 'pink top' having semen stains, was seized. However, C.A. report speaks of the 'frock' on which the semen stains of Applicant - Ramesh were found. To accept the D.N.A. report, the prosecution is required to establish the chain of handling the D.N.A. samples, which is absent in this case. The Applicant -Mangesh was not known to her and she identified the said Applicant for the first time in the Court after the period of four years. No Test Identification Parade was conducted during investigation. These aspects, go to show that the applicants have arguable and prima facie good case on merits. The Applicants were on bail during trial. The Appeal is of 2025 and there is no likelihood, that the Appeal would be heard finally in the near future. Hence, I proceed to pass the following order :

- i] The Application is allowed.
- ii] The sentence imposed by the learned Additional Session Judge-1, Warud, District Amravati by the impugned Judgement and Order dated 24.07.2025 in Special Case No.234/2023 on the Appellants is Suspended during pendency of the present Appeal.
- iii] Applicant No.1 Ramesh Janardhan Narnavare and Applicant No.2 – Mangesh Moreshwar Deshbhratar be released on bail on their executing P.R. bond of Rs.25,000/- each, with one solvent surety each, in the like amount.
- iv] The Applicants/Appellants shall cooperate in early hearing of the Appeal.
- v] The application stands disposed of.

(NEERAJ P. DHOTE, J.)