



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

CRIMINAL APPLICATION (APPA) NO. 1006 OF 2025
IN
CRIMINAL APPEAL NO. 607 OF 2025

CHETAN @ ANKIT S/O. RAMSEVAK GAUTAM
VS
STATE OF MAHARASHTRA AND ANR.

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

Court's or Judge's order

Shri A.M.Jaltare, Advocate for appellant/applicant.
Ms. Sneha Dhote, APP for respondent/State.
Ms. Radha Mishra, Advocate for respondent no. 2/victim

CORAM : NEERAJ P.DHOTE, J.
DATE : 27/01/2026

This is an application for suspension of sentence imposed by the learned Special Judge (POCSO), Wardha -in Special Case No. 179/2020, dated 30/09/2025 convicting and sentencing the Applicant/Appellant for the offence punishable under Section 376(2)(n) of the Indian Penal Code (for short, 'IPC') and for the offence punishable under Section 3(2)(va) of the Atrocity Act and to suffer rigorous imprisonment for 10 years and pay fine of Rs. 5,000/- (Rs. Five Thousand Only), in default to pay fine, suffer simple imprisonment for two months.

2. Heard learned counsel for the Applicant/Appellant, learned APP for the State and learned counsel for the victim. With their assistance, perused the papers on record.

3. It is the case of the prosecution that the victim who was around 17 years of age, was alone at her house on

26/03/2029 as her parents had gone for work. When the victim's parents came back home in the evening, the victim was not found in the house. The victim's mother lodged the missing report. It was revealed during the investigation that the victim was in search of some work. She came in contact with the Applicant/Appellant who was the brother of Pooja Khanna i.e. Accused no. 3. The Applicant/Appellant took her and kept her with him for one night and committed forcible sexual intercourse with her. On the next day, the Appellant/Applicant dropped the victim to Nandura. From Nandura, the accused no. 3 - Pooja took the victim to Gujrat where she came in the contact with accused no. 2. The victim was traced. Her statement was recorded and crime came to be registered against the Applicant/Appellant and the co-convicts. The investigation culminated in filing of charge-sheet. On the basis of the evidence available on record, the learned Trial Court passed the conviction order.

4. From the evidence of the victim, it is seen that she was not acquainted with the Applicant/Appellant prior to the incident. The Applicant/Appellant is the brother of the accused no. 3 - Pooja. There is nothing to show from her testimony that, she had given the description of the Applicant/Appellant. Though the victim identified the Applicant/Appellant in the test identification parade, the victim's testimony shows that, the Applicant/Appellant was shown to her in the Police Station prior to test

identification parade. The Appellant is arrested on 10/09/2020 and since then, he is behind the bars. The conviction of the Applicant/Appellant is for 10 years imprisonment and he is behind the bars for more than 5 years i.e. more than half of the sentence imposed by the learned Trial Court. The Appeal is of the year 2025 and there is no possibility that it will be heard finally in near future. In this view of the matter, I am inclined to allow the application. Hence, the following order:-

ORDER

[I] Criminal Application is **allowed**.

[II] The substantive sentence imposed upon the Applicant namely Chetan @ Ankit S/o. Ramsevak Gautam, by the learned Special Judge (POCSO), Wardha in Special Case No. 179/2020, dated 30/09/2025, is hereby suspended till the final disposal of the Appeal.

[III] The Applicant/Appellant be released on bail on furnishing P.R. bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one surety in the like amount.

[IV] The Applicant shall co-operate in early disposal of the Appeal.

[V] Bail before the Trial Court.

[VI] For this Application, fees of the learned Advocate Ms. Radha Mishra, appointed to represent the Respondent no. 2 - Victim is quantified for the Application at Rs. 7,500/-

[Rupees Seven Thousand Five Hundred Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

[VII] Criminal Application stands **disposed of** accordingly.

(NEERAJ P. DHOTE, J.)

B.T.K.