



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

CRIMINAL APPEAL NO. 33 OF 2026.

Dilip Dashrath Vairagade.

-VERSUS-

State of Maharashtra.

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

Court's or Judge's Orders

Shri R.K.Tiwari, Advocate for the Appellant.

Ms S. Haider, A.P.P. for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 09, 2026.

Heard.

2. Admit. Call for R & P.

Learned A.P.P. waives notice for the
Respondent.

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Criminal Application (APPA) No.62/2026.

Heard.

2. The appellant/applicant was convicted for
the offence punishable under Sections 354, 354-A and

506 of the Indian Penal Code by judgment and order dated 09.01.2026 passed by the Special Judge, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Nagpur. By the said judgment and order, the appellant is sentenced to suffer rigorous imprisonment for one year for the offence punishable under Section 354 of the Indian Penal Code and to pay fine of Rs.5000/- and in default to undergo simple imprisonment for one month. For offence punishable under Section 354-A of the Indian Penal Code the appellant/applicant is ordered to suffer rigorous imprisonment for 6 months and to pay fine of Rs.5000/- and in default to undergo simple imprisonment for one month. Further he has been ordered to suffer rigorous imprisonment for 6 months for the offence punishable under Section 506 of the Indian Penal Code and to pay fine of Rs.5000/- and in default to undergo simple imprisonment for one month. All the sentences are ordered to run concurrently.

3. The learned Counsel for the appellant/applicant submits that there several contradictions and

omissions in the testimony of the victim. He further submits that the appellant/applicant was sentenced to undergo imprisonment for one year, and therefore, considering the fact that it is a short term sentence, and the fact that the appeal is admitted, the sentence be suspended.

4. On the other hand, the learned A.P.P. vehemently opposes the application. She submits that the offence is serious one, and the appellant/applicant is convicted for the offence punishable under Sections 354, 354-A and 509 of the Indian Penal Code. Therefore, considering the allegations, the sentence may not be suspended.

5. Considering the fact that the appeal is admitted, and also the fact that the sentence is for a short term, I am inclined to suspend the sentence. Hence, the following order.

ORDER

- (a) Criminal Application is allowed and disposed of.
- (b) The sentence imposed by the learned Special Judge, Scheduled Caste and Scheduled Tribes

(Prevention of Atrocities) Act, Nagpur by judgment and order dated 09.01.2026 in Special (Atrocity) Case No.258/2020 hereby stands suspended.

- (c) The appellant/applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with two sureties in the like amount.

JUDGE