



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

CRIMINAL APPLICATION NO.161 OF 2026(APPA)

IN

CRIMINAL APPEAL NO. 92 OF 2026

Mohan Arun Kaikadi Vs. The 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.

Mr.Abdul Matin, Advocate for the Appellant.

Mr.U.R.Phasate, APP for the State.

Ms.Shreya Bhagat (Appointed) Advocate for the Respondent
No.2

CORAM : NEERAJ P. DHOTE, J.

DATE : 11/03/2026

1. This is an Application for suspension of sentence. The Applicant/Appellant had been convicted by the learned Special Judge (POCSO Act), Wardha in Special (Child Act) Case No.184 of 2020 for the offence punishable under Sections 363, 376(3), 376(2)(n) of the Indian Penal Code and for the offence punishable under Sections 4(2) and Section 5(1) punishable under Section 6 of the Protection of Children From Sexual Offences Act, (POCSO) and sentenced him to suffer rigorous imprisonment for twenty years and to pay fine of Rs.7,000/-.

2. Heard the learned Advocate for the Applicant/Appellant, learned APP for the State and the learned Advocate for the non-applicant No.2-Victim. With their assistance perused the papers on record. It is the case of the prosecution that, the Victim, who was the child, was kidnapped by the Applicant/Appellant and he committed sexual intercourse with her on several occasions.

3. The Victim's father lodged the report with the concerned Police Station. During the investigation, the Applicant/Appellant and Victim were traced and brought back. The testimony of the Victim shows that, she eloped with the Applicant/Appellant. The medical history is that of love affair between the Applicant/Appellant and the Victim. Though the prosecution examined PW No.11-The Village Development Officer-Registrar of the Birth and Death Registration Department, to prove the date of birth of the Victim as 06.10.2006 to show that, the Victim was the child at the relevant time, it has come in his cross-examination that, he on his own, wrote the address of the Victim's father in the Birth Certificate below Exh.120. Suggestion is given that false birth certificate of the Victim was prepared. The Appeal is of the year 2026 and not likely to be heard in the near future. The Applicant/Appellant has arguable points in the Appeal. The Applicant/Appellant was 20 years of age

at the relevant time. Hence, I am inclined to pass the following order.

ORDER

[i] Criminal Application is allowed.

[ii] The sentence imposed upon the Applicant by the learned Special Judge (POCSO Act), Wardha in Special (Child Act) Case No.184 of 2020 for the offence punishable under Sections 363, 376(3), 376(2)(n) of the Indian Penal Code and for the offence punishable under Sections 4(2) and Section 5(1) punishable under Section 6 of the Protection of Children From Sexual Offences Act, (POCSO) is hereby suspended till the final disposal of Criminal Appeal.

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

[iv] Bail before the Trial Court.

[v] The Applicant shall co-operate in the early hearing of the Criminal Appeal.

[vi] Fees of the learned appointed Advocate for Respondent No.2 is quantified at Rs.7,500/- (Rupees seven thousand five hundred only). The same be paid accordingly by the High Court Legal Services Authority.

[vii] Application stands disposed off.

JUDGE