



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

CRIMINAL APPEAL NO. 119 OF 2026

Shahrukh Khan S/o Anwar Khan Pathan

-- VERSUS --

State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. S.M. Nafde, Advocate for the Appellant.

Mr. A.R. Chutke, A.P.P. for the Respondent/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 26, 2026.

Heard.

2. Admit.

3. Learned A.P.P. waives service for the respondent/State.

4. Call for Record and Proceedings.

CRIMINAL APPLICATION [APPA] NO. 190 OF 2026:-

Heard.

2. This is an application for suspension of sentence.

3. The applicant was convicted vide judgment dated 10/02/2026 passed by the District Judge – 3 and Additional Sessions Judge, Nagpur, for the offence punishable under Sections 354, 354(A) (i), 354-D, 323, 504 and 506 of the Indian Penal

Code, 1860, as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act. He was sentenced to suffer rigorous imprisonment for three years and fine of Rs.5,000/-, in default of payment of fine, to suffer simple imprisonment for 2 months for the offence punishable under Sections 8 and 12 of the POCSO Act. He was also sentenced to suffer rigorous imprisonment for 1 year and fine of Rs.1,000/-, in default to suffer simple imprisonment for 15 days for the offence under Section 354 of the Indian Penal Code. Similarly, for the offence punishable under Section 323 of the Indian Penal Code, he is to suffer rigorous imprisonment for 6 months and fine of Rs.1,000/-, in default, to suffer simple imprisonment for 15 days. So also, for the offence under Section 504 of IPC, he is to suffer rigorous imprisonment for 6 months and fine of Rs.1,000/-, in default, he is to suffer simple imprisonment for 15 days, and lastly, for the offence under Section 506 of the IPC, he is sentenced to suffer rigorous imprisonment for 1 year and fine of Rs.2,000/-, in default he is sentenced to suffer simple imprisonment for one month. The trial court has directed that all the substantive sentences shall run concurrently.

4. The learned counsel for the applicant submits that the applicant is having good case on merit. He submits that the trial Court has committed

gross error in convicting the applicant, and therefore, he submits that, during the trial the applicant was on bail and even after conviction the sentence was suspended by the trial Court, and therefore, he submits that the substantive sentence be suspended.

5. On the other hand, the learned A.P.P. opposes the application and submits that the guilt of the applicant was proved by reading cogent and reliable evidence. After scanning the evidence, the trial Court has convicted the applicant. At the most, the appeal be heard finally, and therefore, prayed to reject the application.

6. I have considered the rival submissions. Admittedly, it appears that the maximum punishment awarded to the applicant was of three years. It was also directed that all the substantive sentences shall run concurrently. It could be further gathered that the applicant was on bail during the trial. His sentence was also suspended by the trial Court. I have also perused the judgment, it appears that, the applicant has made out arguable points. Considering the short term sentence, I am inclined to suspend the sentence. Hence, the following order:-

ORDER

(i) The Criminal Application [APPA] No.190/2026, is hereby **allowed**;

(ii) The substantive sentence awarded in Special Case No.460/2022, passed by the Additional Sessions Judge - 3, Nagpur, is hereby suspended till disposal of the appeal;

(iii) The applicant – Shahrukh Khan S/o Anwar Khan Pathan, be released on bail on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount.

[M.M. NERLIKAR, J]