

MHRT040000582026



ORDER BELOW EXH 5 IN CRIMINAL APPEAL No.2/2026

Nitin Nathuram Bothare –Appellant

Vs.

State of Maharashtra - Respondent

1. The appellant submitted that he is convicted on 02-01-2026 by the learned JMFC Khed in SC.C. No.190/2021 for the offence punishable u/s 354 of IPC. He is sentenced to undergo simple imprisonment for one year and fine of Rs.2,000/-. Therefore the application to stay the sentence passed by the learned trial Court during the pendency of the appeal.

2. The learned advocate of the appellant submitted that the appellant has good case on the point that the prosecutrix has admitted that she has not lodged FIR on the date of incident. The witness No.3 came with the original complaint at the time of deposition. Thus the learned trial Court should have considered that she is interested witness. The complainant deposed certain facts in her chief examination while denied those facts in the cross examination. Considering that the applicant has good case on

merit it is appropriate to suspend the sentence till pendency of the appeal. In the result I pass following order.

Order

1. Application is allowed.
2. The sentence passed by the learned trial Court in SCC No. 190/2021 dated 02-01-2026 is stayed till appeal period.

Khed.

(P. S. Chandgude)

Date 31/01/2026

Addl.Sessions Judge, Khed

Certificate

I affirm that, contents of this P.D.F.file Judgment/order are same, word to word, as per the original Judgment /order.

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| Case No. | Criminal Appeal No.2/ 2026 |
| Name of the English Stenographer | Mrs.V.S.Kulkarni |
| Name of the Court | Additional Sessions Judge Khed, Dist. Ratnagiri. |
| Date of Pronouncement | 31.01.2026 |
| Judgment/order Signed On | 31.01.2026 |
| Judgment/order Uploaded On | 31.01.2026 |