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

CRIMINAL APPLICATION [APPA] NO. 275 OF 2026
IN
CRIMINAL APPEAL NO. 175 OF 2026

Alka Haribhau Dike

-- VERSUS --

The State of Maharashtra

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

Mr. Atharva S. Manohar, Advocate a/w. Mr. S.P. Deshpande, Advocate for the Applicant.

Mr. A.G. Mate, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 18, 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. 275 OF 2026:-

1. Heard.

2. This is an application for suspension of sentence.

3. The applicant is convicted for the offence punishable under Section 202 of the Indian Penal Code, 1860, and Section 21 of the Protection of

Children from Sexual Offences Act, 2012, and is sentenced to suffer Simple Imprisonment (S.I.) for Six (6) months and to pay a fine of Rs.2,000/-, in default to suffer Simple Imprisonment for fifteen days.

4. The learned counsel for the applicant submits that the applicant was the warden in the hostel where the crime was committed. He further submits that a common statement under Section 313 was recorded on the basis of which conviction is based, which is not permissible. Even the age of the victim was not proved by the prosecution, and therefore, under such circumstances, he submits that, considering the short-term sentence, the same be suspended.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the offence is heinous. The applicant being the warden was in-charge of girls in the hostel, therefore, it was her responsibility to approach the police as soon as she came to know about the said incident. To that effect, evidence has been led, and therefore, after trial, the applicant has been rightly convicted, and therefore, he submits that, at the most, appeal itself can be heard on merits.

6. I have considered the rival submissions. As was observed above, the applicant was sentenced for six months with fine. It appears that, the applicant

has paid the fine of Rs.2,000/-. It appears that the applicant is having good case on merits and arguable points have been made out, therefore, I am inclined to suspend the sentence. Hence, the following order:-

O R D E R

(i) The Criminal Application [APPA] No.275/2026, is hereby **allowed;**

(ii) The substantive sentence awarded in Special Case No.19/2013, passed by the Special Judge (POCSO), Amravati, is hereby suspended till disposal of the appeal;

(iii) The applicant – Alka Haribhau Dike, be released on bail on her 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]

PIYUSH MAHAJAN