IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 388 OF 2024
AND CRIMINAL APPLICATION NO. 1527 OF 2024

Ravindra Mohan Koparge
Age: 32 years, Occu.: Nil,
R/o Indiranagar, Tq. Shevgaon,
Dist. Ahmednagar ..APPELLANT

VERSUS

1. State of Maharashtra

2. XYZ ..RESPONDENTS

AND CRIMINAL APPEAL NO. 389 OF 2024

State of Maharashtra ..APPELLANT

VERSUS

Ravindra Mohan Koparge ..RESPONDENT

....

Mr. D.S. Ingole, Advocate for appellant in APEAL/388/2024 and for respondent in APEAL/389/2024 (appointed by Court)
Ms. U.M. Bhosle, A.P.P. for State
Mrs. R.S. Kulkarni, Advocate for respondent no.2 (appointed by Court)

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CORAM : R.G. AVACHAT AND NEERAJ P. DHOTE, JJ.
RESERVED ON : 05th MARCH, 2025
PRONOUNCED ON : 01st APRIL, 2025

JUDGMENT (PER : R.G. AVACHAT, J.) :

1. Both these appeals arise from one ane the same judgment of conviction and order of consequential sentence dated 23rd March, 2023 passed by the Court of Additional Sessions Judge, Ahmednagar (Special Court under POCSO Act, 2012) ('trial Court') in Special Case No. 157 of 2022. Criminal Appeal No. 388 of 2024 is preferred by the convict and the

another appeal (389 of 2024) is preferred by the State for enhancement of sentence.

2. The order impugned herein read thus :-

> *"1. Accused Ravindra Mohan Koparge is hereby convicted of the offence punishable u/s.3(b), 5(m)/4 and 6 of the Protection of Children from Sexual Offences Act and is sentenced to suffer R.I. for 10 years and to pay fine Rs.5000/- (five thousand rupees only) i/d to suffer S.I. for one year.*
>
> *2. He is also convicted of the offence u/s 376(2)(i)(j), 376(A)(B) of Indian Penal Code and is sentenced to suffer R.I. for 10 years and to pay fine Rs.5000/- (five thousand rupees only) i/d to suffer S.I. for one year.*
>
> *3. Both sentences shall run concurrently."*

3. According to learned A.P.P., the sentence for the offence proved against the appellant warrants minimum twenty years of imprisonment and which may extend to imprisonment for life, which shall mean life till the end of natural life, and therefore, State's appeal.

4. The facts giving rise to the present appeals are as follows :-

The appellant was residing in a room at Indira Nagar, Shevgaon. The informant (PW – M), victim's mother, was residing opposite to the room of the appellant, but on the other side of the road. She would reside alongwith her three minor daughters, her husband and mother-in-law as well. The appellant had good relationship with the family members of the victim. Many a time he was served with meal by the informant at her residence.

5. On 01st June, 2022 by 08:00 p.m., the victim ('X'), a six years old girl, was playing outside her house. The appellant called her to his room. He

removed her knicker and inserted his finger in her private part. The victim came home crying. She related the incident to her family members, who then took her to Police Station Shevgaon. The police referred her to Primary Health Center, Shevgaon. She was then referred to Civil Hospital, Ahmednagar. The victim was medically screened. The medical officer found redness at the victim's private part. The victim's mother (informant) lodged the F.I.R. (Exh.13).

6. A crime vide C.R. No. 353 of 2022 was registered. The appellant came to be arrested. He too was medically screened. Statements of the persons acquainted with the facts and circumstances of the case were recorded. The medical officer, during medical screening of the victim, had obtained certain samples, such as vaginal swab, etc. Those were submitted to R.F.S.L., Nashik. On completion of investigation, the charge-sheet was filed against the appellant.

7. The trial Court framed the charge (Exh.5) for various offences viz. under Sections 376(2)(i)(j), 376(A)(B) and 506 of the Indian Penal Code ('I.P.C.') and under Sections 3(b), 5(m), 7 and 22(ii) punishable under Sections 4, 6, 8 and 12 respectively of the Protection of Children from Sexual Offences Act, 2012. The appellant pleaded not guilty. His defence was of false implication.

8. To bring home the charge, the prosecution examined six witnesses and adduced in evidence certain documents. On appreciation of

the same, the appellant was convicted and sentenced as stated above.

9. Since the incident took place on 01st June, 2022, the minimum sentence for the offence of aggravated penetrative sexual assault was rigorous imprisonment for twenty years. Section 42 of the POCSO reads thus :-

> *"Alternate punishment. - Where an act or omission constitutes an offence punishable under this Act and also under Sections 166-A, 354-A, 354-B, 354-C, 354-D, 370, 370-A, 375, 376, 376-A, 376-C, 376-D, 376-E or Section 509 of the Indian Penal Code (45 of 1860), then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code as provides for punishment which is greater in degree."*

10. The trial Court, therefore, ought to have convicted the appellant, since according to it the offence was proved, for the sentence which was severe one and not under both the sections viz. Section 376(2)(i)(j) of I.P.C. and Section 8 of POCSO. The State has rightly preferred the appeal since the trial Court has not imposed even minimum sentence provided for the said offence, though it found the offence to have been proved. Be that as it may.

11. Learned counsel for the appellant (appointed by Court) would submit that the victim's statement, under Section 164 of the Code of Criminal Procedure ('Cr.P.C.'), was recorded four days after the incident. The mother of the victim lodged the F.I.R. two days after the incident. History to the medical officer was given by the grand-mother of the victim, who has not been examined. The medical examination rules out the penetrative sexual

assault. He took us through the evidence on record to ultimately urge for acquittal of the appellant and in the alternative urged for converting the sentence to a lesser offence viz. offence of sexual assault punishable under Section 7 of the POCSO.

12. Learned A.P.P. and learned counsel appointed to represent the victim would, on the other hand, submit it to be a heinous offence. Strong reliance was placed on the judgment in the case of ***Nawabuddin Vs. State of Uttarakhand, (2022) 5 SCC 419***. According to them, the appellant was like a maternal uncle of the victim. He should not have been shown leniency. The trial Court committed mistake in imposing less than the minimum prescribed sentence. Both the learned counsel took us through the evidence of the victim. They would submit that the victim had immediately related the incident to her mother. The same reinforces the prosecution case. Our attention was adverted to paragraph no. 6 of the judgment of the trial Court which observes that the delay in lodging of the F.I.R. was duly explained. According to learned counsel appointed to represent the victim, penetration however slight, is sufficient to constitute the offence of rape. The victim was six years of age. The offence thus become aggravated penetrative sexual assault, being punishable with minimum sentence of twenty years. Sections 29 and 30 of the POCSO have also been referred to. It was submitted that the appellant did not rebut the presumption. Both the learned counsel urged for dismissal of the appeal of the convict and urged for allowing the State's appeal.

13. Considered the submissions advanced. Perused the judgment impugned herein. If we agree with the findings recorded by the trial Court, the appellant need to be sentenced to minimum term of imprisonment of twenty years. Before adverting to the evidence on record, let us remind ourselves of the observations made by the Apex Court in the case of Nawabuddin (supra), which read as under :-

> *"14. At this stage, it is required to be noted that the POCSO Act has been enacted keeping in mind Article 15 and 39 of the Constitution of India. Article 15 of the Constitution, inter alia, confers upon the State powers to make special provision for children. Article 39, inter alia, provides that the State shall in particular direct its policy towards securing that the tender age of children are not abused and their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity. To achieve the goal as per Article 15 and 39 of the Constitution, the legislature has enacted the Protection of Children from Sexual Offences Act, 2012.*
>
> *15. As noted in the Statement of objects and reasons, as per the United Nations Convention on the Rights of Children, to which India is a signatory to the treaty, the State Parties to undertake all appropriate national, bilateral and multilateral measures to prevent :*
> *(a) the inducement or coercion of a child to engage in any unlawful sexual activity;*
> *(b) the exploitative use of children in prostitution or other unlawful sexual practices; and*
> *(c) the exploitative use of children in pornographic performances and materials.*
>
> *16. Article 19 of the Convention states the following:*
> *1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all form/s of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the*

care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

The general comment No. 13 on the Convention specifically dealt with the right of the child to freedom from all forms of violence and it has observed that "no violence against children is justifiable; all violence against children is preventable

17. *Keeping in mind the aforesaid objects and to achieve what has been provided Under Article 15 and 39 of the Constitution to protect children from the offences of sexual assault, sexual harassment, the POCSO Act, 2012 has been enacted. Any act of sexual assault or sexual harassment to the children should be viewed very seriously and all such offences of sexual assault, sexual harassment on the children have to be dealt with in a stringent manner and no leniency should be shown to a person who has committed the offence under the POCSO Act. By awarding a suitable punishment commensurate with the act of sexual assault, sexual harassment, a message must be conveyed to the society at large that, if anybody commits any offence under the POCSO Act of sexual assault, sexual harassment or use of children for pornographic purposes they shall be punished suitably and no leniency shall be shown to them. Cases of sexual assault or sexual harassment on the children are instances of perverse lust for sex where even innocent children are not spared in pursuit of such debased sexual pleasure.*

18. *Children are precious human resources of our country; they are the country's future. The hope of tomorrow rests on them. But unfortunately, in our country, a girl child is in a very vulnerable position. There are different modes of her exploitation, including sexual assault and/or sexual abuse. In our view, exploitation of children in such a manner is a crime against humanity and the society. Therefore, the children and more particularly the girl child deserve full protection and need greater care and protection whether in the urban or rural areas.*

19. As observed and held by this Court in the case of State of Rajasthan v. Om Prakash, (2002) 5 SCC 745, children need special care and protection and, in such cases, responsibility on the shoulders of the Courts is more onerous so as to provide proper legal protection to these children. In the case of Nipun Saxena v. Union of India, (2019) 2 SCC 703, it is observed by this Court that a minor who is subjected to sexual abuse needs to be protected even more than a major victim because a major victim being an adult may still be able to withstand the social ostracization and mental harassment meted out by society, but a minor victim will find it difficult to do so. Most crimes against minor victims are not even reported as very often, the perpetrator of the crime is a member of the family of the victim or a close friend. Therefore, the child needs extra protection. Therefore, no leniency can be shown to an Accused who has committed the offences under the POCSO Act, 2012 and particularly when the same is proved by adequate evidence before a court of law.

20. In the present case it is to be noted that the Accused was aged approximately 65 years of age at the time of commission of offence. He was a neighbour of the victim girl. He took advantage of the absence of her parents, when her mother went to fetch water and her father had gone to work. He is found to have committed aggravated penetrative sexual assault (as observed hereinabove) on a girl child aged four years, which demonstrates the mental state or mindset of the Accused. As a neighbour, in fact, it was the duty of the Accused to protect the victim girl when alone rather than exploiting her innocence and vulnerability. The victim was barely a four years girl. The Accused-Appellant was the neighbour. The Accused instead of showing fatherly love, affection and protection to the child against the evils of the society, rather made her the victim of lust. It is a case where trust has been betrayed and social values are impaired. Therefore, the Accused as such does not deserve any sympathy and/or any leniency."

14. Now, let us advert to the evidence in the case.

PW 1 – X (victim) was six years old girl. The record indicates that the trial Court did not put her certain questions so as to ascertain whether

she was competent to depose. She was examined in question-answer form. Her answers to the questions indicate she understood the questions and gave rational answers. She testified that she was resident of Shevgaon. She would attend Urdu school. She knew the appellant. The appellant would reside in front of her house. She further testified that when she was playing in front of her house, the appellant took her to his room. He removed her underwear, put his finger at her private part. The appellant said her not to tell anybody, else he will cut her head. She came home and told her mother and grand-parents what the appellant did with her. According to her, she was taken to Civil Hospital, Ahmednagar. She identified the appellant.

15. During her cross-examination, it has come on record that she was a student of first standard. She gave the names of her teacher and friends as well. She testified that the appellant used to visit her house as the appellant was a good person. Her family members would provide him meal many a time. The victim, however remained firm about what the appellant did with her. While she was called upon to identify the appellant, the trial Court recorded as follows :-

> *"After recording above evidence, accused was shown to victim, she identify accused but by seeing victim she afraid and concealed at back side of prosecutor."*

Learned A.P.P. and learned counsel for the victim specially adverted our attention to this note and submitted that the victim was scared of the appellant, and therefore, she took refuge behind the prosecutor, in-

charge of the case. According to them, the same speaks in volumes of the fear of the appellant instituted in the victim's mind due to the said act.

16. PW 2 – M, mother of the victim testified that the victim was born on 05th November, 2016. She further testified that on 01st June, 2022 by 08:00 p.m. the victim returned to the home after playing outside. The victim told her about pain in her vagina. On further enquiry, she told her the appellant to have inserted his finger in her private part. Thereafter she took the victim to Shevgaon Police Station. The police referred her to Sub-Hospital, Shevgaon. The doctor there referred her to Civil Hospital, Ahmednagar. Her statement was recorded. She stated therein what was told to her by the victim. She then signed her statement. According to her, the police seized the clothes of the victim. A panchanama to that effect was drawn (Exh.26).

During her cross-examination, it was suggested to her that the appellant resides alone. This suggestion was denied. According to her, appellant's two sisters would reside with him. The informant admitted the house wherein the appellant would reside was his own. She, however denied that a false case has been lodged against him with a view to grab his house. She admitted that the vicinity wherein she was residing is mostly populated by Muslim community. There were only 2-3 houses of the persons belonging to Hindu community. She further denied that with a view to drive out the people of Hindu community from that area, a false report was lodged.

17. PW 3 - Ambadas is a witness, who tendered in evidence an entry relating to the birth of the victim made in the birth register maintained by Municipality, Pathardi. It is at Exhibit 17.

18. PW 4 – Gahininath was a Medical Officer. He medically screened the victim on 02nd June, 2022 by 04:50 a.m. According to him, the grand-mother of the victim gave the history that the victim was unable to sit and when enquired, the victim told the appellant to have inserted his finger in her anus and vagina as well. After visiting the local hospital, they came to Civil Hospital, Ahmednagar. It was further reported to the medical officer that the incident took place three days back. PW 4 further testified that on local examination he found hymen was intact. There was no local injury. Redness was found at both vaginal walls. He advised blood examination and UHB sonography. Vaginal and hymen swab was taken. The patient was admitted for sonography and pediatric opinion. The medical examination report issued by him is at Exhibit 21 and the medical certificate is at Exhibit 22. According to him, sexual assault could not be ruled out. Redness at vaginal wall was possible by insertion of finger.

During his cross-examination he testified that the injuries noticed at the private part of the victim may be possible by etching. The said injury may be possible by infection. He, however clarified that there is no urine infection. He further testified that in case of constipation there is difficulty in passing stool.

19. Learned counsel representing the victim would submit that there was no question of bacterial infection. In such a case etching could occur, and therefore, the defence that redness had occurred due to etching has been ruled out.

20. PW 5 – Suresh is a witness to the panchanama relating to the seizure of clothes. His evidence does not further the prosecution case. PW 6 – Ashish is the police officer, who did the investigation of the crime. His evidence too is of little consequence. What he deposed to is as to the steps he took during investigation for collection of evidence.

21. Let us now appreciate the evidence on record.

The F.I.R. (Exh.30) was lodged by the mother of the victim. She testified that on 01st June, 2022 by 08:00 p.m. her parents and two daughters were at her home. They were taking dinner. The victim was her elder daughter. The victim came to her and told that she experienced pains at her private part (in vagina). When she (mother) enquired with the victim, she told that the appellant inserted his finger in her vagina. She (mother), therefore, took the victim to Shevgaon Police Station. The police referred them to Sub-Hospital, Shevgaon. The doctor there examined the victim and referred her to Civil Hospital, Ahmednagar. Her statement was recorded by Shevgaon Police while she was at the hospital.

During her cross-examination, she denied to have lodged a false report with a view to grab the appellant's house. It was also suggested that

the area at which the victim was residing was dominated by muslim population. She denied that the appellant being Hindu and with a view to drive him out of that locality, the F.I.R. was lodged. There is nothing further to suggest she had an axe to grind against the appellant. During her cross-examination it has been brought on record that the appellant would be on the visiting terms with the family of the victim. The victim's parents would serve him meal occasionally. Then rest of the questions are in the nature of denial.

22. The material evidence of the victim reads thus :-

> *"Night hours. He took me to his house. He removed my underwear. He put finger of his hand at place of Urine (Vagina), he was saying that do not tell to anybody else he will cut the head. I went to the house and told to my mother and grandfather and grandmother. I was taken to Civil Hospital Ahmednagar, I was also taken to Shevgaon Hospital."*

23. PW 3 – Ambadas is a witness, who tendered in evidence an entry in the birth register (Exh.17). There is no dispute that the victim was six years of age at the relevant time.

24. The material evidence is that of PW 4 – Gahininath, Medical Officer. He deposed that on 02nd June, 2022 he examined the victim. The victim's grand-mother gave history. He issued MLC report. On local examination he found hymen was intact and there was no local injury. Redness was noticed at both the vaginal walls. He advised blood examination and UHB sonography. The vaginal and hymen swabs were taken. The medical examination report is at Exhibit 22. According to the

medical officer, although the hymen was intact, sexual assault was not ruled out. In his opinion, redness of vaginal walls may be possible if finger is inserted in it.

In his cross-examination he admitted that such redness may be developed by etching or by infection. According to him, it is not a case of urine infection. Learned counsel for the victim would submit unless there was bacterial infection, there was no reason for the victim to etch at her private part.

25. Aforesaid is the material witness in the case. The question is whether the offence of aggravated sexual assault is made out. The F.I.R. (Exh.30) was lodged by the mother of the victim. According to her, the victim had related her the appellant to have inserted his finger in her vagina. The victim, however testified that the appellant had placed his finger at her private part. The victim's police statement was not recorded immediately. It was only on 03rd June i.e. two days after the alleged incident, her statement under Section 164 of Cr.P.C. was recorded. A glance at her statement would indicate that first eleven questions were general. Question Nos. 12 and 13 with the answers thereof are as under :-

प्र.क्र.१२ - आगे आप क्या बताना चाहते हो?

उत्तर - मैं झाड के नीचे खेल रही थी. उपसने मुझे उसके घरमें बुलाया. उसने मेरी चड्डी निकाली और ढुंगनमें उंगली डाली. और वो बोला की किसीको बताया तो मुंडी काटके घरमें रख दुंगा.

प्र.क्र.१३ - उसके बाद क्या हुआ?

उत्तर - मैं घर गई और मेरी मम्मी को बताया

26. The mother of the victim was present while the victim's statement under Section 164 of the Cr.P.C. was recorded. We do not wish to say anything, but after reading reply to Question No.13, it appears that the victim did not wish to say anything more. It appears that up till Question No.13, no case as propounded in the F.I.R. was there. Question No.14 appears to have been put to the victim. The same alongwith its answer is as under :-

> प्र.क्र.१४ - आपको और क्या बताना है?
> उत्तर - नहीं. उसने मुझे पेटपे बेलनसे मारा. उसने तीन बार उंगली डाली थी. पिढेसे एक बार और आगेसे दो बार डाली थी.

27. We are conscious of the fact that the statement under Section 164 of the Cr.P.C. is not the substantive piece of evidence. The offence is serious one. It invites severe punishment of not less than twenty years. The State has preferred appeal for enhancement of sentence. True, if the offence is proved, it warrants minimum twenty years of imprisonment. The trial Court held the offence to have been proved. It has, however inadvertently sentenced the appellant to imprisonment for ten years. Needless to mention, serious is the offence, clinching should be the evidence.

28. Marathi version of the victim's evidence reads thus :-

> प्रश्न - ती वेळ कोणती होती?
> उत्तर - रात्रीची होती, तो मला त्याचे घरी घेउन गेला. त्याने माझी चड्डी काढली त्याने त्याचे बोट माझे सू करण्याचे जागेवर टाकले. तो मला म्हणाला की, तेरे दादाको बोला तो मुंढी काट डालुंगा व त्यानंतर त्याने मला सोडून दिले व त्यानंतर मी घरी आले व दादा दादीला व आम्मीला सांगितले व मला बडे दवाखान्यात घेउन गेले. मला शेवगावचे दवाखान्यात नेले होते.

29. From the testimony of the victim it is just difficult for us to infer the appellant to have inserted his finger in her private part. More so, when the medical evidence does not reinforce the same. True, the medical officer, who had medically screened the victim testified that redness at the vaginal walls could be possible by insertion of finger. In our view, this is his improved version over the medical examination report of the victim issued by him immediately after the medical examination. The said report finds place at Exhibit 21. The report is in requisite format. Item No.VII of Clause 15-A pertains to history. It was given by grand-mother of the victim. The history given was as under :-

> *पेशंट को नहाते टाइम बैठणा नही आ रहा था. इसलिये मैने पुछा तो उसने बताया की रव्या ने पॅट निकाला और धमकाया. लडकी को पिशाब और शी करने को तकलिफ हो रही थी इसलिए लोकल डॉक्टर को दिखाया तो उन्होने सरकारी हॉस्पीटल में दिखाने को बताया.*

30. Then there is clause 15-F. It speaks of opinion regarding penetration. The said clause is blank. The said clause is under the signature of PW 4 – Gahininath. No active bleeding was noticed nor was there sign of inflammation. For better appreciation, we reproduce the said column as under :-

	PENETRATION			Emission of Semen		
Orifice of Victim	By Penis	By Body part of self or assailant or third party (finger, tongue or any other)	By Object	Yes	No	Don't Know
Genitalia (Vagina and/or urethra)						
Anus						
Mouth						

31. Had the appellant inserted finger in vagina of victim, there would have been local injury, since the victim was just six years of age. The Medical Officer would have noted the same in the aforesaid column. Learned counsel representing the victim was right in submitting that penetration however small, constitutes the offence. In our view, however considering the age of the victim, had there been insertion of finger, there would have been local injury in the vagina of the victim. The victim, however could not be disbelieved, in its entirety. She has no reason to name the appellant. Considering her age, she could not have described the incident. Suffice it to say, her evidence indicates that the appellant put his hand at her private part. Redness of walls of hymen could be the result of an attempt to penetrate the finger. In our view, therefore, the offence proved against the appellant is of attempt to commit aggravated sexual assault punishable under Section 18 of the POCSO. The same reads thus :-

> *"18. Punishment for attempt to commit an offence. - Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both."*

The aforesaid phraseology gives the Court discretion in sentencing the appellant. True, considering the nature of offence and observation in the authority relied on by learned counsel for the victim, such acts must be dealt with iron hand.

32. The appellant is a labour. He is behind the bars since the date of his arrest. In our view, sentence of rigorous imprisonment for five years would meet the ends of justice in the facts and circumstances of the case. In the result we proceed to dispose of both the appeals in terms of following order :-

ORDER

(I) Criminal Appeal No. 388 of 2024 is partly allowed.

(II) Impugned judgment and order dated 23rd March, 2023 passed by the Court of Additional Sessions Judge, Ahmednagar (Special Court under POCSO Act, 2012) in Special Case No. 157 of 2022 convicting the appellant for the offence punishable under Sections 3(b), 5(m)/4 and 6 of Protection of Children from Sexual Offences Act, 2012 and under Sections 376(2)(i)(j), 376(A)(B) of the Indian Penal Code, is hereby set aside. He stands acquitted thereof.
Instead, the appellant is convicted for the offence punishable under Section 8 read with Section 18 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/- (Rupees Five Thousand), in default to suffer rigorous imprisonment for ten days.

(III) Criminal Appeal No.389 of 2024 is dismissed.

(IV) In view of disposal of Criminal Appeal No. 388 of 2024, nothing survives in Criminal Application No. 1527 of 2024. Same stands disposed of accordingly.

(V) Fees of Mr.D.S. Ingole, learned counsel appointed to represent the appellant is quantified to Rs.10,000/- (Rupees Ten Thousand)

(VI) Fees of Mrs. R.S. Kulkarni, learned counsel appointed to Respondent No.2 – victim is quantified to Rs.15,000/- (Rupees Fifteen Thousand). She expressed her desire to pay her fees to the victim.

(VII) Fees of the appointed counsel be paid by High Court Legal Services Sub-Committee, Aurangabad, which shall do the needful to pay the fees of Mrs. Kulkarni, learned counsel to the victim.

(NEERAJ P. DHOTE, J.) **(R.G. AVACHAT, J.)**

SSD