

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

932. CRI.APPLN/393/2015 In CRI.APEAL ST/73/2015 WITH
CRI.APEAL/737/2014 WITH CRI.APPLN/370/2015

THE STATE OF MAHARASHTRA
V/S
FARUKH KHAN IBRAHIM KHAN

Mr. V.D. Godbharle, APP for State.

Mr. A.S. Barlota, Advocate for respondent/accused.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 17th March, 2015.

ORDER :

1. Criminal Application No. 393/2015 is filed for condonation of delay of 20 days caused in filing appeal against judgment and order of Sessions Case No. 37/2007. The State wants to file appeal for enhancement of sentence. Notice is served on other side. In view of the contents of the application, the application is allowed. Delay is condoned.

2. Criminal Appeal St. No. 73/2015 is filed for enhancement of the sentence. The respondent/accused is convicted and sentenced for the offences punishable under sections 293 and 354 of I.P.C. and maximum sentence of imprisonment of one year is given. This Court has gone through

the reasoning given in the judgment and particularly the version of prosecutrix and position of respondent in relation to Children Home. The appeal is **admitted**. Comply the provision of section 390 of Cr.P.C.

3. Criminal Application No. 370/2015 is filed for grant of leave to file appeal against judgment and order of acquittal of the offence punishable under section 376 of I.P.C. and under section 3 (1) (xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Seen the copy of the deposition of prosecutrix produced by the learned APP. The accused was the son of President of Children Home at the relevant time. Some inconsistencies appearing between the version and statement before police and so called committee are considered by the Trial Court Judge. This Court holds that there is arguable case. So the application is allowed. Leave is granted.

4. Heard. The appeal is **admitted**. Comply the provisions of section 390 of Cr.P.C.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/