

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4953 OF 2015
IN
CRIMINAL APPEAL NO.707 OF 2015.

Satish S/o Ramesh Nandre Vs. The State of Maharashtra.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.B.S.Kudale, advocate for the Applicant.
Mr.S.P.Deshmukh, A.P.P for the State.

**CORAM : S.V.GANGAPURWALA AND
V.K.JADHAV, JJ.**
Date : 01.12.2015.

PER COURT :

1. Heard.
2. The present applicant is prosecuted for an offence punishable U/s 376 of the I.P.C and is convicted. The appeal filed by the present applicant is admitted. The present application is filed for suspension of substantive sentence.
3. Mr.Kudale, learned counsel submits that the deposition of P.W.10 prosecutrix can not be relied and said to be trustworthy. For four (4) days after the incident, P.W.10 had not disclosed the name of the person who had committed the said act and it is at the behest of the Police authorities, name of Satya was taken. This fact is

already admitted by P.W.10 in her deposition. Learned counsel submits that even C.A. Report is not placed on record. Learned counsel submits that the prosecution has failed to prove the case beyond all reasonable doubt.

4. We have heard Mr.Deshmukh, learned A.P.P.

5. P.W.10 is the prosecutrix. She is a girl from Bhil community, studying in 8th standard. It has been stated that the accused resides three houses away from her house and has narrated about the incident having taken place. The prosecutrix in her cross-examination had answered about the fact of the Police authorities asking her about the name of the accused. The same is clarified in the Court questions.

6. No doubt, the whole evidence will have to be reappreciated at the time of disposal of appeal. At this stage, considering the judgment passed and the evidence of P.W.10, the request of the present applicant can not be considered.

7. The Criminal application as such is rejected. However, hearing of appeal is expedited.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.01.12.2015.
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