

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 86 OF 2015

IN

CRIMINAL APPEAL NO. 16 OF 2015

MR. YOGESH S/O SADU PALEKAR,
PRESENTLY AT CENTRAL JAIL AGUADA,
THR. MRS. SUJATA S. PALYEKAR.

... Applicant

Versus

STATE, THROUGH AGASSAIM POLICE
STATION, AGASSAIM.

... Respondent

Mr. Arun De Sa, Advocate for the applicant.

Mr. M. Amonkar, Additional Public Prosecutor for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 8th April, 2015

P.C.

Mr. Amonkar, learned Additional Public Prosecutor waives notice.

2. Heard Shri De Sa, the learned Counsel for the applicant and Shri Amonkar, learned Additional Public Prosecutor for the respondent.

3. The applicant has been convicted for the offence punishable under Section 376 of Indian Penal Code (I.P.C., for short) read with Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. For the offence punishable under Section 376 of I.P.C., the applicant is sentenced to suffer imprisonment for seven years and to pay fine of Rs.10,000/- and in default, to undergo Simple Imprisonment for three months. For the

offence punishable under Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he is sentenced to suffer imprisonment for six months and to pay fine of Rs.10,000/- and in default, to suffer Simple Imprisonment for two months.

4. It is submitted that the prosecutrix is aged 27 years and the case of the prosecution is that the appellant had sexual intercourse with her on the promise of marriage, which did not subsequently materialise. The applicant was on bail during the course of the trial. In such circumstances, the following order is passed :

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment is suspended during the pendency of appeal on condition of the applicant furnishing a P. R. Bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.
- (iii) The applicant shall deposit the amount of fine in the Special Court, if not already deposited.
- (iv) Bail before the learned Special Judge.

C. V. BHADANG, J.

SMA