IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

**CRIMINAL APPLICATION NO. 821 OF 2016**

BAPU @ MANU LAXMAN SALUNKHE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Nirmal R. Dayama.
APP for Respondent : Mrs. R. K. Ladda.

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CORAM : **INDIRA K. JAIN, J.**
DATE : 29th March, 2016.

P.C.:

. Here is an application for suspension of substantive sentence of imprisonment passed by the learned Special Judge, Jalgaon in Sessions Case No.71 of 2014.

2 The sole Accused was convicted for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 376 (2) (i) of the Indian Penal Code. Applicant was sentenced to suffer rigorous imprisonment for 10 years each for the offences mentioned above with fine and default clause.

3 Prosecution examined in all 14 witnesses. PW-1 Latabai

is the mother of victim. She lodged FIR and set the law into motion. On perusal of evidence of PW-3 victim, it can be seen that she was under age at the relevant time. She stated that her mother used to go for work and that time she was residing alone in the house. Accused was resident of same village. Whenever her mother was going out Accused was coming to the house of victim. She stated that he promised to marry her and developed physical contacts with her. She carried pregnancy. When the fact was disclosed PW-1 Latabai lodged report.

4 Further prosecution has proved Exhibit 32A school certificate of victim. It shows her date of birth as 1st April, 2001. In addition there is medical evidence. PW-5 Dr. Umesh Wankhede examined victim and noticed that she was carrying pregnancy of 29 weeks.

5 Considering the evidence of victim, her age, medical evidence and nature of offence this Court does not find it fit to suspend the substantive sentence of imprisonment and release the Applicant on bail. He was not on bail during trial. Application deserves to be dismissed. Hence the following order –

**O R D E R**

I. Criminal Application No.821 of 2016 is dismissed.

II. Hearing of appeal is expedited.

**[ INDIRA K. JAIN, J. ]**

*ndm*