

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2230 OF 2016
IN
CRIMINAL APPEAL NO.264/2016.

RAMESH S/O MARIBA LANDGE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant/Appellant : Mr. Joshi Charudatt V
Mr. SP Deshmukh, APP for Respondent/State.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 27th April, 2016.

PER COURT :

1) Heard. Perused the judgment and order of conviction and sentence passed by the learned Additional Sessions Judge, Ambejogai on 17th March, 2016 in Special Case (UNDER POSCO ACT) No.5/2013. The appellant/accused has been convicted for offence punishable under Section 376(2) of Indian Penal Code as also for the offences punishable under Sections 4, 6, 8 and 10 of the POSCO Act, 2012 and sentenced to suffer rigorous imprisonment for 14 years and to pay a fine of Rs.5,000/-, in default to suffer rigorous imprisonment, for three months in respect of offence under Section 376(2) (i) of IPC. The accused is

further sentenced to suffer rigorous imprisonment for seven years and to pay a fine of Rs.3,000/-, in default to suffer rigorous imprisonment for two months in respect of the offence punishable under Section 4 of the POSCO Act, 2012. The accused is further sentenced to suffer rigorous imprisonment for ten years and to pay a fine of Rs.3,000/-, in default to suffer rigorous imprisonment for two months in respect of offence punishable under Section 6 of the POSCO Act, 2012. The accused is further sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs. 1,000/- in default to undergo rigorous imprisonment for 15 days in respect of offence punishable under Section 8 of the POSCO Act, 2012. The accused is also sentenced to suffer R.I. for five years and to pay a fine of Rs.2,000/-, in default to suffer R.I. for one month in respect of offence punishable under Section 10 of the POSCO Act, 2012. The Trial Court has directed that the substantive sentences of punishment shall run concurrently.

2) On perusal of the judgment and order of conviction and sentence, it transpires that age of

the victim, at the time of the alleged incident, was about 7-8 years and there is medical evidence, which supports the claim of the prosecution that the victim was subjected to sexual assault. The accused was not granted bail during the pendency of the appeal.

3) Considering the facts of this case, we are of the opinion that no case is made out for enlargement of the accused/applicant on bail during pendency and disposal of the criminal appeal. The criminal application is devoid of substance and hence stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/