

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1539 OF 2015

IN

CRIMINAL APPEAL NO.1141 OF 2015

SANJAY POPAT AGHANE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Rameshwar Gite, Advocate for the Applicant.

Shri V.B.KondeDeshmukh, APP for the Respondent – State.

Accused S.P.Aghane produced in custody.

Victim girl present.

CORAM : ABHAY M. THIPSAY, J.

DATE : 2nd FEBRUARY 2016.

P.C. :

1 The applicant is produced in custody pursuant to the production warrant. Pursuant to the notice issued by the court, the victim is present. The victim is interviewed by Ms.Anamika Malhotra, APP, who is present in the court, on the request of the court.

2 The main contention advanced by the learned counsel for the applicant is that the relations between the applicant and the victim were consensus, and that, there being no satisfactory evidence of the age of the victim, the conviction of the applicant is not in accordance with law. I find that during the trial, a birth certificate purporting to be that of the victim, showing her to be below 16 years of age at the material time, was produced. The contention is that, that the certificate relates to the victim, was not satisfactorily established. It is also submitted that the Ossification Test was not performed.

3 After considering all the relevant evidence, I do not think it fit to suspend the substantive sentence imposed upon the applicant. However, in the peculiar facts and circumstances, I am inclined to direct the appeal itself to be expeditiously heard.

4 The application is rejected.

 However, the hearing of the appeal is ordered to be expedited.

5 Liberty to the applicant to furnish a private paper
book.

6 Record and Proceedings be called expeditiously.

7 Liberty to the applicant to move the court for getting a
date for the final hearing of the appeal fixed, after the record and
proceedings are received.

(ABHAY M. THIPSAY, J.)