

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.295/2016

IN

CRIMINAL APPEAL NO.160/2016

Diwakar s/o Anandrao Madavi

..Versus..

State of Maharashtra, through P.S.O. Aheri, Tah. Aheri, Distt. Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 5.5.2016

Shri S.N. Nandeshwar, advocate for the applicant states that the appeal is filed within limitation and the application praying for condonation of delay is filed inadvertently. The learned advocate seeks permission to withdraw the application. It is **disposed** accordingly.

Criminal appeal is taken up for hearing on admission.

Admit.

Call R & P.

Shri S.S.Doifode, A.P.P. waives notice for the respondent.

CRIMINAL APPLICATION (APPA) NO.311/2016

Heard Shri S.N. Nandeshwar, advocate for the appellant and Shri S.S. Doifode, A.P.P. for the respondent.

The appellant is convicted along with co-accused for the offences punishable under Sections 363, 366, 366-A, 368 and 34 of the Indian Penal Code.

Accused no.2 Nagulal is convicted for the offences punishable under Sections 376 of the Indian Penal Code and

Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The application is opposed on the ground that the victim was minor and was studying in 10th standard at the relevant time.

Considering the facts of the case and the findings recorded in respect of offence as far as the present appellant is concerned, in my view, the application is required to be allowed. Hence, the following order:

- (i) The sentence imposed on the appellant is suspended.
- (ii) The appellant be released on bail on furnishing P.R. bond for Rs.25,000/- and two solvent sureties in the like amount.
- (iii) The appellant shall file an affidavit on the record giving his cell phone number.
- (iv) The appellant shall file an undertaking that in case he changes his cell phone number, he will inform it by filing an affidavit on the record.
- (v) The application is **allowed** in the above terms.

JUDGE

Tambaskar.