

Sarnobat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 660 OF 2017
IN
CRIMINAL APPEAL NO. 154 OF 2017
WITH
CRIMINAL APPLICATION NO. 900 OF 2017
IN
CRIMINAL APPEAL NO. 154 OF 2017**

Mangesh Namdeo Pawar. .. Applicant
Vs.
The State of Maharashtra. .. Respondent.

Mr. S. A. Shaikh I/b Mr. S. J. Singh, Advocate for the Applicant.
Mr. S. V. Gavand, APP for the Respondent/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th OCTOBER, 2017.

P. C. :

1. By these applications the applicant has sought suspension of execution of sentence imposed by the judgment dated 17th January, 2017 in POCSO Special Case No. 154 of 2014 and prayed for release on bail.

2. The applicant herein was prosecuted for the offences under Section 376 of IPC and Section 4 and 8 of the Protection of

Children From Sexual Offences Act, 2012 (POCSO Act). The case of the prosecution in brief is that the victim, a child of about four years used to go to school by a school van of Arvind Travels. The applicant herein was as attendant in the said van. On 13th February 2014 when the victim returned home from the school, she looked scared. The mother of the victim found some blood in her private part and upon inquiry the victim told her that the applicant herein had sexually abused her. F.I.R. lodged by the mother of the victim under crime No. 49/2014 for the aforesaid offences came to be registered. Upon completion of investigation, charge-sheet was filed. The learned Special Judge after considering the evidence on record, has held the applicant guilty of the aforesaid offences and sentenced to undergo rigorous imprisonment for Seven years and to pay fine of Rs.20,000/- in default to undergo rigorous imprisonment for one month in respect of offence under section 376 of Indian Penal Code. The applicant herein has been further sentenced to undergo rigorous imprisonment for Seven years and to pay fine of Rs.20,000/- in default to undergo rigorous imprisonment for one month in

respect of offence under section 4 of the Protection of Children From Sexual Offences Act and rigorous imprisonment for three years and fine of Rs.5,000/- in default to undergo rigorous imprisonment for One week in respect of offence under Section 8 of the Protection of Children From Sexual Offences Act.

3. The evidence of the victim as well as the mother of the victim prima facie indicates that the applicant herein was the attendant of the School van in which the victim was traveling, and he had raped and sexually abused her. The evidence of victim and her mother-PW 2 is also corroborated by the medical evidence. There is prima facie material to show the involvement of the applicant in committing the crime, which offence is not only of serious nature but a heinous crime against the Society.

4. In view of the facts and circumstances, in my considered view this is not a fit case to suspend the execution of sentence. Hence, both the applications are dismissed.

[ANUJA PRABHUDESSAI, J]