

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

CRIMINAL APPLICATION (APPA) NO.376 OF 2017

IN

CRIMINAL APPEAL NO.211 OF 2017

Ravi Anil Mandavkar

..VS..

State of Mah., thr. Police Station Officer, P.S.O. Hinganghat, District Waradha

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

Court's or Judge's Order

Shri R.L. Alone, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 22, 2017.

This is an application for suspension of substantive jail sentence and for grant of bail.

Heard learned counsel Shri R.L. Alone for the applicant.

According to learned counsel for the applicant, the applicant was on bail during the course of trial. He submits that the prosecution has not examined any independent witnesses and the other prosecution witnesses have turned hostile. He further submits that there are no injuries on the prosecutrix.

The age of the prosecutrix is only of 14 years. The applicant is not denying her age. Submission of learned counsel for the applicant that there are no independent witnesses, is

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highly misconceived since the offence punishable under Section 376 of the Indian Penal Code is not expected to be committed by such accused in pursuance of third party. Further submission of learned for the applicant that since the applicant was on bail, therefore, he should be released on bail, is also highly misconceived. Merely because he was on bail, that does not mean that he has a right to get himself bailed out from the Court after his conviction.

The evidence of the prosecutrix clearly shows that she was subjected to physical assault at the hands of the present applicant. The cross-examination of the prosecutrix shows that the applicant has not even challenged the incident of committing rape. When version of the prosecutrix is trustworthy and it inspires confidence, that itself is sufficient to record the finding of guilt against such person.

Hence, the application is rejected and disposed of.

JUDGE

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