

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

CRIMINAL APPEAL NO.264 OF 2016

(Subhash Manik Kumbhre Vs. The State of Maharashtra thr. PSO Police Station
Narkhed, Dist. Nagpur)

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

Court's or Judge's orders.

Shri A.B. Moon, Advocate for Appellant.
Shri H.R. Dhumale, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 14th AUGUST, 2017.

Criminal Application (APPA) No.463/2016:

The appellant is convicted for the offences punishable under sections 447 and 376 (2)(g) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years.

The case of the prosecution, which is accepted by the Trial Court, is that the appellant and one juvenile in conflict with law (hereinafter referred to as "juvenile") dragged the prosecutrix from the barn in an agricultural field where she was sleeping along with her brother, and both the appellant and the juvenile raped the prosecutrix. The Trial Court has accepted the testimony of the prosecutrix as reliable and confidence inspiring. The Trial Court has also recorded a finding that the testimony of the prosecutrix stands corroborated by the medical evidence.

In view of the allegations, the findings recorded by the Trial Court and the sentence imposed, I am not

inclined to suspend the sentence.

The application stands rejected.

Criminal Appeal No.264/2016:

The appellant is in jail since 2015.

List the appeal for final hearing in the second week of September, 2017.

In the meantime, the learned counsel for the appellant undertakes to file on record private paper-book.

JUDGE