

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

**CRIMINAL APPEAL NO. 327 OF 2016.**

(SHRI. AJAY S/O HARICHANDRA DHENGRE...VS...STATE OF MAH. THR. PSO, PS PACHPAWLI,  
NAGPUR, DISTRICT-NAGPUR AND OTHERS)

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

Court's or Judge's orders

Shri S. S. Meshram, Advocate for the Appellant.  
Shri T. A. Mirza, A.P.P. for Respondent.

**CORAM : Z.A.HAQ, J.**

**DATED : 21<sup>st</sup> JULY, 2017.**

Heard.

**Admit.**

Call R & P.

**CRIMINAL APPLICATION (APPA) NO.561 OF 2016.**

The appellant/accused is convicted for the offence punishable under Sections 354 and 323 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012. The learned Sessions Judge has recorded that the prosecution has proved that the appellant/accused has committed the crime against his daughter, aged about 17years. The learned Advocate for the applicant, on query, has submitted that the victim is doing her graduation.

Considering the nature of incident and the facts of the case, I am not inclined to grant the prayer made in the application, at this stage. The application is **dismissed**. However, the applicant is granted liberty to move application for suspension of sentence if the appeal is not taken up for hearing within 6 months.

After considering the submission made by the learned advocate for the appellant/accused, and going through the affidavit sworn filed by Sau. Maya Suryakant Mendhe (maternal aunt of the victim) and examining the facts on record which prima-facie show that the appellant/accused is the only earning member, and wife of appellant/accused is finding it impossible to maintain the victim and victim's younger brother aged about 11 years, I could not refrain myself from exercising jurisdiction under Section 357-A of the Code of Criminal Procedure.

In the peculiar facts of the case, following interim order is passed :

Until further orders, the District Legal Services Authority, Nagpur, is directed to deposit Rs.6,000/- (Rs. Six Thousand) every month till 5<sup>th</sup> of month with the Registry of this Court.

On deposit of such amount, the Registrar (Judicial) of this Court shall ensure that the amount deposited by the District Legal Services Authority, Nagpur, is immediately handed over to the victim (Ku. Payal Ajay Dhengre).

The Registrar (Judicial) shall explain to the victim (Ku. Payal Ajay Dhengre) that the amount is meant for the maintenance of the victim, her mother and her younger brother and she is not required to spend anything from that amount for any purpose connected either with this appeal or for getting the amount.

The District Legal Services Authority, Nagpur, shall start depositing the amount from August, 2017, the amount to be deposited till 5<sup>th</sup> August, 2017.

This arrangement shall continue till January, 2018 or until further orders which may be passed by this Court.

If the appeal is not taken up for hearing, list the matter for further orders on 10<sup>th</sup> January, 2018.

I am conscious that as per Section 357-A(2) of the Code of Criminal Procedure, the amount of compensation payable to the victim is to be determined by the District Legal Services Authority, however, in the peculiar facts of the case, I have passed the above order and this order will not be treated as precedent.

The learned A. P. P. shall send copy of this order to the District Legal Services Authority, Nagpur, immediately.

**JUDGE**

*PBP*