

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

CRIMINAL APPLICATION [APPA] NO.890 OF 2017

IN

CRIMINAL APPLICATION [APPA] NO.851 OF 2017

IN

CRIMINAL APPEAL NO.275 OF 2017

[Tarendra Manohar Borkar .vs. State of Maharashtra]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : OCTOBER 13, 2017.

Heard Shri R.M. Daga, learned counsel for applicant and Shri N.H. Joshi, learned APP for respondent-State.

The learned counsel for applicant submits that on 10.10.2017, when Criminal Application (APPA) No.851/2017 was listed for hearing, submission was made on behalf of applicant that prosecutrix is not residing at the same place and she has already shifted to another place. It is submitted that inadvertently the said submission regarding the prosecutrix not residing at the same place was made and in fact prosecutrix is residing at the same place on the first floor and she has not shifted elsewhere.

It is submitted that an error has occurred due to inadvertence and the applicant tenders an apology for the same. The learned counsel submits that applicant undertakes to reside at Armori in the house of his uncle Mr. Sukhdev Khobragade.

It appears from the order dated 10.10.2017 that application has been considered on merits and since it was found that prosecutrix is of marginal age and her conduct would also play an important role, execution of substantive sentence of imprisonment came to be suspended. As the error occurred due to inadvertence, the statement regarding place of residence of prosecutrix needs to be deleted. Hence, the following order :

ORDER

The following sentence from para 6 of the order dated 10.10.2017 in Criminal Application (APPA) No.851/2017 stands deleted.

“It is also submitted that prosecutrix is not residing at the same place and she has already shifted to another place”

Corrected copy be placed on record.

Criminal Application No.890/2017 is allowed in the above terms.

JUDGE