

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

**CRIMINAL APPLICATION NO. 157 OF 2019
IN
CRIMINAL APPEAL NO. 158 OF 2019**

Ishvar Nagurao Kamble ...Applicant
Versus
The State of Maharashtra & Anr. ...
Respondents

Kuldeep Patil- Advocate for the applicant.
Mrs. J. S. Lohakare - APP for the Respondent - State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 16th JULY, 2019.

P.C. :

The appellant is a teacher, and the victim, a girl of 9 years, is his student, studying in 3rd standard. The allegations concern the offences under Section 354 (A) (1)(i) of IPC and Sections 7, 8 and 9 (f) of the Protection of Children from Sexual Offences Act (POCSO Act) 2012. Upon trial, the appellant has been convicted, among the other things, to undergo 5 years rigorous imprisonment and fine as well.

2. Indeed, the appellant was on bail during the trial, but ever seen 04.01.2019, when he was convicted, he has been serving the sentence.

3. The learned counsel for the appellant has made

strenuous efforts to convince the Court that the appellant is innocent, and the victim girl has improved upon her case during trial—and the prosecution’s entire case is a bundle of contradictions.

4. I have perused the impugned judgment, which has, in fact, examined every material aspect and held that the appellant is guilty of the offences he has been charged with. Indeed, if there are very variations, they concern only the nonmaterial aspects of the crime. I reckon, *prima facie*, minor variations are bound to occur in a child’s testimony. If they do not border on pure concoctions, a child’s testimony occupies a place of primacy in evidentiary echelons.

Under these circumstances, I am disinclined to suspend the sentence or enlarge the appellant on bail. Accordingly, Criminal Application No. 157 of 2019 stands rejected.

[DAMA SESHADRI NAIDU, J.]