

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.272 OF 2019

IN

CRIMINAL APPEAL NO.990 OF 2015

TUKARAM KERBA KAMBLE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.S.Y.Ghaste, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 1st MARCH 2019

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted of offences punishable under Section 376(2)(i) or (j) and 506 of the Indian Penal Code as well as under Section 4 of the Protection of Children from Sexual Offences Act, 2012. For the offence

punishable under Section 376(2)(i) or (j) of the Indian Penal Code the applicant/accused is sentenced to suffer rigorous imprisonment for 10 years apart from imposition of fine of Rs.5,000/- and default sentence of rigorous imprisonment for 1 year. Similar sentence is imposed for the offence punishable under Section 4 of the Protection of Children from Sexual Offences. For the offence punishable under Section 506-II of the Indian Penal Code, he is sentenced to suffer rigorous imprisonment for 7 years apart from imposition of fine of Rs.3,000/- and default sentence of rigorous imprisonment for 8 months.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the offence was allegedly committed in crowded area of the village and the spot was surrounded by 150 to 200 houses. Villagers had not protested after the incident. The alleged offence took five minutes. It is further argued that there is delay of 15 days in lodging the First Information Report (FIR).

3 The learned APP opposed the application.

4 From the submissions made by the learned Advocate
for the applicant/accused, it is clear that the application is pressed
on merits of the matter. However, by order dated 1st April 2016,
this court (Coram : Abhay M. Thipsay, J.) was pleased to reject
the earlier application on merits. Hence, as there are no changes
in circumstances, the instant application cannot be entertained.

5 The application is, therefore, rejected.

However, hearing of the appeal is expedited.

(A. M. BADAR, J.)