

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 530 OF 2019
IN
CRIMINAL APPEAL NO.927 OF 2018

Rakesh Baban Gohar ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Ajit Savagave for the applicant.

Mr.H.J.Dedhia, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.
DATE : OCTOBER 04, 2019

P.C.:

The conviction of the applicant in POSCO has been challenged in appeal before this court. The present application is filed by the applicant for seeking bail. The victim daughter then aged about 15 years has complained against the ill-treatment and offence.

2. Submission of the learned counsel for the applicant is victim has specifically stated that her father used to video shoot the victim. In the forensic analysis of mobile no such video shooting is found. The victim was residing with her grand

parents and her performance in the school has never been adversely affected. According to him, this shows false implication.

3. Learned counsel has also invited our attention to the statement given by the mother of the victim in an effort to show that there is material variance between the statement of the mother and the victim herself.

4. Learned APP has supported the conviction. He points out that the forensic analyst has retrieved the porn films from the mobile of the accused. The films have been identified by the victim and she has stated that those films were shown to her by the accused. Our attention is also drawn to the letter Exh. 17 (Colly) claiming that therein the accused has accepted the offence.

5. In brief reply, learned counsel for the applicant has taken us through the said letter to urge that there is no such admission in it.

6. The letter Exh. 17 shows that the accused is tendering apology and begging to be forgiven for the acts committed by him. He has specifically not mentioned the act or its nature. However, he has assured that it would not be repeated in future.

7. The porn films contained in mobile of the accused are

established by the prosecution. The victim has also identified those films. This material therefore, lays credence to her deposition.

8. The offence has come to light in the year 2015 when mother asked the daughter to go to college and the victim girl gave some reason.

9. At this stage, we do not wish to delve more into the evidence. Prima facie, we find nothing wrong with the conviction. No case is made out. Criminal Application is therefore, rejected.

10. This order be communicated to the prisoner in jail.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)