

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

CRIMINAL APPLICATION (APPA) NO.293/2019

IN

CRIMINAL APPEAL NO.32/2019

Rahul S/o Dashrath Durugwar

..Vs..

State of Maharashtra, through its Police Station Officer, Police Station Saoner,
Distt. Nagpur and another

Applicant : Shubhangi Digambar Bawne

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

Court's or Judge's orders

Shri C.R. Thakur, Advocate for the appellant.
Shri S.S. Doifode, A.P.P. for the respondent.
Shri R.R. Vyas, Advocate for applicant.

CORAM : **Z.A. HAQ AND VINAY JOSHI, JJ.**

DATED : 15.3.2019.

Heard.

For the reasons stated in the application, it is
allowed. The applicant is permitted to assist the
prosecution.

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The appellant has challenged the order of conviction dated 13.12.2018 for commission of offence punishable under Section 376(2)(i)(n) and Section 6 read with Section 5(1) of the Protection of Children from Sexual Offences Act, 2012. The appellant / accused along with original complainant has filed a joint pursis informing that they have married prior to the incident and have a son aged 5 years, namely, Sahil. It is

informed that the informant desires to cohabit with the appellant / accused. Therefore, to work out the matrimonial settlement, they requested for mediation.

We are conscious that after conviction, in appeal before this Court, the possibility of amicable settlement between the parties in case of crime / offence of the nature as in the present case cannot be explored. However, the facts of the present case are peculiar. The appellant / accused and victim claim that they had married. According to the appellant / accused and his mother, the appellant / accused has not married with any other girl / lady. According to the victim and mother of appellant / accused, the victim has also not married with any other person. Victim has given birth to a male child after the physical relationship developed between the appellant / accused and the victim. The child is now 5 year old.

Considering the above facts, specially the welfare of minor child, we are of the view that the request made on behalf of the parties to explore the possibility of finding way-out for the future of child can be considered. Hence, we appoint Ms. Sonali B. Khobragade, Advocate as Mediator. The Mediator can independently hear both sides and submit report. To facilitate the work of mediation, Jail Authorities are directed to permit Ms. Sonali B. Khobragade, Advocate - the Court appointed Mediator to meet the appellant along with informant lady. The learned A.P.P. to communicate this order to Jail Authorities. Shri C.R.

Thakur, Advocate and Shri Aniruddha Anantkrishnan, Advocate if desire to attend the mediation, they do so with permission of Mediator.

JUDGE

JUDGE

Tambaskar.