

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

CRIMINAL APPLICATION (APPA) 328 OF 2019

in

CRIMINAL APPEAL 226 OF 2019

(Vinod s/o. Deviprasad Mehra.vs.State, thr PSO PS Jaripatka, tah dist. Nagpur)

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

Court's or Judge's orders.

Shri C.H. Jaltare, counsel for applicant.
Shri T.A. Mirza, APP for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 18th JUNE, 2019.

The applicant is convicted of offence punishable under section 376(2)(i) and (j), 506 part II of the Indian Penal Code, under section 6 of the Protection of Children From Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for ten years and to payment of fine of Rs. 2,000/-. The accusation is that the applicant – accused who was asked to look after 6 year old child, subjected the child to forcible sexual intercourse.

2 The accusation, which is found proved by the trial Court, is extremely grave.

3 I have scrutinized the evidence on record and the findings recorded by the trial Court.

4 At this stage, it does appear that the child victim's evidence is implicitly trustworthy. The medical evidence corroborates the evidence of the child victim. The disclosure made to the mother and the doctor who examined her in the first instance (PW 7) is also relevant.

5 Considering the evidence on record, I am not inclined to exercise discretion in favour of the applicant – accused.

6 The application for suspension of sentence is rejected.

7 However, the appeal shall have to be expedited.

8 The appeal be listed for final hearing immediately after the paper book is ready.

JUDGE