

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPEAL NO.256/2018**

Ku. Vaishali d/o Dayalu Dighore .vs. State of Maharashtra through PSO P.S.
Ashti, Wardha.

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

Court's or Judge's orders.

Mr. R. S. Nayak, Advocate for applicant.

Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 11, 2019

Heard Mr. Nayak, learned counsel for appellant
and Mr. Doifode, learned A.P.P. for respondent-State.

Aresent appeal arises out of judgment and order
of conviction passed by learned Special Judge for POCSO
Act, Wardha dated 11.01.2018. By the impugned judgment,
present appellant was convicted for an offence punishable
under Section 21 (2) of the Protection of Children From
Sexual Offence Act and was directed that she shall suffer
simple imprisonment for six months and pay a fine of
Rs.1,000/-, in default to suffer simple imprisonment for 15
days.

On 11.04.2019, this appeal was admitted and
substantive jail sentence imposed upon applicant was also
suspended and she was released on bail.

Be that as it may, in Special (Child) Case No.
77/2015, death sentence was inflicted upon accused Raju
alias Rajkumar Keshavrao Landge. Learned Special Judge
made a reference for confirmation of death sentence of the
said accused. Similarly, accused also filed an appeal. The

confirmation case was registered as Confirmation Case No.1/2018. Said confirmation case was registered before the Division Bench of this Court and vide judgment dated 26.10.2018, death sentence was not confirmed. At the same time, the Division Bench remitted back the matter for de novo trial. In paragraph 46 of judgment, the Division Bench observed as under:

“The conviction of other accused persons viz. Madan Lahanu Khadse, the Headmaster and Ku. Vaishali Dayalu Dighore, the Hostel Superintendent, is connected with the conviction of accused Raju and hence their conviction also cannot be sustained in the Confirmation Case. We set aside the same.”

Office has placed a note before me in which the aforesaid fact is brought to my notice. However, it appears that due to inadvertence, the present criminal appeal was not tagged along with Confirmation case and present appeal has remained pending.

As per office note and even as per submissions of Mr. Nayak, learned counsel for appellant, after the matter being remanded for de novo trial, the trial has commenced. Mr. Nayak further submits that even present appellant is also participating in the de novo trial before the trial Court.

In that view of the matter, nothing survives in the present appeal. The appeal is therefore disposed of.

JUDGE