

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

CRIMINAL APPLICATION (APPA) NO.512 OF 2019
IN
CRIMINAL APPEAL NO.370 OF 2019

(Roshan s/o Ramlal Patil Vs. State of Maharashtra thr. PSO PS Tumsar, Tah. Mohadi,
Dist. Bhandara)

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

Court's or Judge's orders.

Shri N.D. Khamborkar, Advocate for Appellant.
Shri T.A. Mirza, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 12th JUNE, 2019.

Heard.

2] The accused is convicted for offence punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Sections 363, 376 (2) (i) of the Indian Penal Code and is awarded sentence of rigorous imprisonment for ten years.

3] The victim was aged 15 years and 7 months as on the date of the incident.

4] The learned Sessions Judge has found the testimony of the victim trustworthy. Corroboration is sought from medical evidence in which the hymen is found torn. At this stage, it does not appear that the learned Sessions

Judge erred in invoking the statutory presumption under Section 29 of the POCSO Act, the foundational facts having been proved by the prosecution.

5] Considering the societal interest, I am not inclined to exercise discretion in favour of the accused. It would more appropriate if the appeal is heard early.

6] The application for suspension of sentence is dismissed.

7] However, list this appeal for final hearing on 14.08.2019.

8] The Registry shall ensure that the record and proceedings is received till then.

9] The learned counsel for the appellant undertakes to place on record copies of the deposition and such documents as would be relied on during the course of the final hearing.

10] Filing of paper-book is dispensed with.

JUDGE