

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

CRIMINAL APPLICATION (APPA) NO.602/2019
IN CRIMINAL APPEAL NO.493/2019

Dipal alias Kalwa Kisanlal Soni .vs. The State of Maharashtra through
PSO P.S. Lakadganj, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. S. K. Sable, Advocate appointed for applicant.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2019

Heard Mr. Sable, learned appointed counsel
for applicant and Mr. Ghurde, learned A.P.P. for non
applicant-State. Also, perused the impugned judgment
and order.

Applicant is convicted by learned Additional
Sessions Judge, Nagpur on 04.02.2018 in Special Child
Criminal Case No.45/2013, thereby convicting applicant
for an offence punishable under Section 376 (1) of the
Indian Penal Code and Section 5 and 6 of the Protection
of Children From Sexual Offences Act, 2012 and he is
directed to suffer rigorous imprisonment for ten years.

The applicant is in jail right from the date of
his arrest and his case was tried as an under trial
prisoner. Looking to the fact that applicant was not on
bail during the course of trial and age of girl is 10 years
and the material brought on record by the prosecution is

correctly evaluated by learned Judge of Court below, I do not see any reason to suspend substantive jail sentence of the applicant. Hence, I pass the following order.

ORDER

- (i) The application is rejected.
- (ii) Criminal Appeal No.493/2019, being a jail appeal, be immediately placed for final hearing before the Court.
- (iii) High Court Legal Services Sub Committee, Nagpur is directed to pay Rs.2,500/- as professional charges to Mr. S.K.Sable, Advocate appointed for the applicant.

The application is disposed of.

JUDGE