

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

CRIMINAL APPLICATION (APPA) NO.101/2021

AND

MISC. CRIMINAL APPEAL NO. _____/2021

Roshan Manohar Sahare Vs. State of Maharashtra and anr.

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

Court's or Judge's orders

Shri Raghav A. Bhandarkar, Advocate for Applicant/Appellant.
Shri S. P. Deshpande, A.P.P. for Non-applicant/Respondent No.1/State.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 12/02/2021.

1. The learned Advocate for the applicant pointed out the order passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.3/2020 directing that the limitation prescribed under the general law or special laws whether condonable or not shall stand extended with effect from 15.03.2020 till further orders.

2. In view of the above, it is held that the appeal is filed within limitation.

3. The Criminal Application is disposed accordingly.

CRIMINAL APPEAL NO. _____/2021

1. Criminal Appeal is taken up for hearing on admission.

2. Crime No.2/2020 came to be registered with the respondent No.1-Police Station against the appellant for the offences punishable under Sections 376(2)(i), 376(2)(j), 376(2)(n) and 376(3) of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989.

3. The First Information Report came to be registered on the report lodged by the respondent No.2 (mother of the victim, aged about 13 years). The appellant came to be arrested on 03.01.2020. The appellant had filed the application under Section 439 of the Code of Criminal Procedure before the Special Court, which is dismissed by the impugned order.

4. The charge-sheet is filed. Alongwith memorandum of appeal, copy of the charge-sheet is placed on record. With the assistance of learned Advocate for the appellant and learned A.P.P., we have gone through the relevant documents specially the copy of the report lodged by the Informant (mother of victim) and the statement of the victim. The learned Advocate for the appellant referred the Medical Examination Report and submitted that accusations made against the appellant are not *prima facie*, supported by the Medical Examination Report. However, after examining the material on record, we are of the view that the impugned order passed by the Special Court is a

probable view and there is no apparent reason to interfere with the impugned order.

5. Hence, the appeal is dismissed.

6. However, as the appellant is in Jail since 03.01.2020, the learned Special Judge is directed to conduct the trial expeditiously and conclude it till 15.06.2021.

JUDGE

JUDGE