

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPEAL NO. 185 OF 2021

(VIJAY MANOHARRAO JAWANJAL..VS..STATE OF MAH.THR.PSO PS ASEGAON, DIST. AMRAVATI)

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

Court's or Judge's orders

Shri A.M.Jaltare, Advocate for Appellant.
Ms Shamsi Haider, A.P.P. for Respondent/State.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : APRIL 29, 2021.

Heard.

ADMIT

Call R & P.

Ms Shamsi Haider, learned A.P.P. waives notice
for the respondent.

CRI.APPLN.NO. 285/2021.

With the assistance of the learned Advocate for
the appellant and the learned A.P.P., we have gone through
the impugned judgment.

The appellant (aged about 59 years) is convicted
for the offence punishable under Section 376AB of the Indian
Penal Code and Section 6 of the Protection of Children from
Sexual Offences Act, 2012. The victim was aged about 8
years at the time of commission of the offence. One of the
submissions on behalf of the appellant is that the appellant is
falsely implicated and this is clear from the statement of the

victim in which she has admitted that her mother had asked her to give statement against the accused before the Court.

We have examined the statement of the victim which is reproduced by the learned Sessions Judge in paragraph No.26 of the impugned judgment. According to us, the submission of the learned Advocate for the appellant that the victim was tutored by her mother cannot be accepted at this stage, specially when nothing is shown to us that mother of the victim was cross-examined on the point that she had tutored the victim. We find that, at this stage, the appellant has not made out case for suspension of sentence. The appellant was in jail during the trial also.

Hence, the Criminal Application is **dismissed**.

The appellant is at liberty to file private paper-book and as soon as the private paper book is filed the appeal be listed for final hearing.

(AMIT B. BORKAR, J.)

(Z.A.HAQ, J.)