

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1592 OF 2022
IN APEAL/350/2022

RAMDAS ROHIDAS MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Ms. Sunita G. Sonawane, Advocate for applicant.
Mr. B. V. Virdhe, APP for respondent No.1 – State.
...

CORAM : SMT. VIBHA KANKANWADI AND
RAJESH S. PATIL, JJ.

DATE : 7th September, 2022.

ORDER :-

. Present application has been filed for suspension of sentence. The learned Special Judge, Special Court (POCSO Act), Shrigonda in Special (POCSO) Case No.23 of 2021, by order dated 26.03.2022 has convicted and sentenced the applicant thus :-

"(1) Accused Ramdas Rohidas More is held guilty for the commission of offences punishable under Sections 376(2), (I), (j), (n) and 506 of the Indian Penal Code, and under Sections 5(I) of the Protection of Children from Sexual Offences Act, 2012.

(2) Accused Ramdas Rohidas More is convicted as per Section 235(2) of the Code of Criminal Procedure, for the offence under Section 5(I) punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and he is

sentenced to suffer imprisonment for life and shall pay fine of Rs.5,000/-, in default of fine he shall undergo further three months simple imprisonment.

(3) Accused Ramdas Rohidas More is further convicted as per Section 235(2) of the Code of Criminal Procedure, for the offence punishable under Section 506 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for one year and shall pay fine of Rs.2,000/- in default of fine he shall undergo further one month simple imprisonment."

2. Heard learned Advocate Ms. Sunita G. Sonawane for the applicant and learned APP Mr. B. V. Virdhe for respondent No.1 - State. Perused the copies of depositions made available.

3. It appears that the victim is aged 15 when her deposition was recorded. The preliminary questions asked to her showed that she was having sufficient maturity and understanding about the sanctity of oath and, therefore, oath was administered to her. She has stated that she was taking education in 8th standard and at the time of incident, she was 14 years old. About nine months prior to the incident, accused had called her in his house, who is residing near her house. The accused by showing video recording from his mobile, which he had recorded while the informant was taking bath, told that he would make that video viral. She did not tell the said

fact to anybody, but again after two days, the accused again called her to his house and by again showing the video, made her undress and then had sexual intercourse with her. It is her statement that from time to time thereafter under the pretext of making her video viral, the accused had sexual intercourse with her. She says that she became pregnant from the accused and then her mother revealed the said fact and then the FIR was lodged. When she was medically examined, she was carrying pregnancy of 25 weeks. According to her, she had given birth to a child. It is further evidence that DNA sample was collected and the DNA reports Exhibit-44 and 45 concluded that the accused to be the biological father of the child born to the victim. Under such circumstance, when there is evidence against the applicant, this will not be the fit case where the sentence awarded by the Special Court should be suspended. The application stands rejected.

[RAJESH S. PATIL]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm