

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2483 OF 2022

IN

CRIMINAL APPEAL NO. 563 OF 2022

AKASH DEVIDAS WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. Bobde Sopan G.

APP for Respondent No.1/State : Smt. D. S. Jape

Advocate for Respondent No.2 : Mr. Sohail Subhedar (appointed)

...

CORAM : KISHORE C. SANT, J.

DATE : 7th DECEMBER 2022.

Per Court :

Heard.

1. Learned Advocate for the Applicant argued that the Prosecution has not proved the guilt beyond reasonable doubt. There is nothing on record to show the age of prosecutrix. From the evidence of doctor – PW-5, he submits that no injuries are found on the private part of the victim etc. He submits that PW-2 i.e. mother of victim is not an eye witness and therefore her evidence does not inspire any confidence.

2. Learned APP submits that there is evidence of victim, in which, she said that at the time of commission of crime, she was studying in 10th standard and was minor. At this stage, this Court cannot go into the issues, where detailed appreciation of evidence is required.

3. The submission of the Applicant that since 2018, the Applicant is in jail. Considering that the appeal is not likely to be heard in near future and considering the nature of evidence on record, the offence under POCSO, this Court deems it fit not to allow the application for suspension of sentence. Thus, the application is dismissed.

4. It would be desirable to expedite the appeal instead of allowing the application. The Criminal Application is rejected.

[KISHORE C. SANT, J.]

Najeeb.