

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2381 OF 2021
IN
CRIMINAL APPEAL NO.280 OF 2021
AND
CONFIRMATION CASE NO.1 OF 2021**

Baburao Ukandu Sangerao @
Baburao Malegaonkar ..Applicant
Vs.
The State of Maharashtra and ors. ..Respondents

**AND
CRIMINAL APPLICATION NO.1591 OF 2021
IN
CRIMINAL APPEAL NO.280 OF 2021**

Baburao Ukandu Sangerao @
Baburao Malegaonkar ..Applicant
Vs.
The State of Maharashtra and ors. ..Respondents

Ms.Shreya Rastogi and Ms.Pratiksha Basarkar, Advocates i/b.
Mr.R.N.Chavan and Mr.Vishal Bagdiya, Advocate for applicant

Mr.R.V.Dasalkar, APP for respondent no.1

**CORAM : R.G.AVACHAT AND
R.M.JOSHI, JJ.
DATE : DECEMBER 19, 2022**

ORDER :-

The applicant in both the applications has been convicted
the for offence of rape, sodomy and murder of a child, aged 5 years.
He has, therefore, been sentenced to death.

2. The applicant has preferred appeal, being Criminal Appeal
No.280 of 2021, taking exception to his conviction; while the trial

Court has submitted to this Court the proceedings in Special (POCSO) Case No.06 of 2021 for confirmation of the sentence of death imposed against the applicant. The death sentence confirmation proceedings are considered to be an extended trial. For confirmation of death sentence, a balance sheet of mitigating and aggravating circumstances has to be before the Court.

3. In view of the directions of the Apex Court Court in the cases of (i) **Manoj and ors. Vs. State of Madhya Pradesh, Criminal Appeal Nos.248-250 of 2015 decided on 29.09.2021** and (ii) **Ramkirat Munilal Goud Vs. the State of Maharashtra, Petition(s) for Special Leave to Appeal (Crl.) Nos.5928-5929/2022 decided on 10.11.2022**, we issue following directions:-

- (i) The respondent-State shall place before this Court the report(s) of all the Probation Officers relating to the applicant/appellant, within a period of eight weeks;
- (ii) The Superintendent of the Yerawada Central Jail, Pune, shall submit a report in regard to the nature of work which has been performed by the applicant while in jail and a report in regard to the conduct and behaviour of the applicant while in jail, within a period of eight weeks;
- (iii) The Head of Sassoon General Hospital, Pune, shall constitute a suitable team for the purpose of carrying out

a psychological evaluation of the applicant. The report of the evaluation shall be submitted to this Court through learned Addl. Public Prosecutor, within a period of eight weeks;

- (iv) Dr.Kaustubh Joag, Psychiatrist, accompanied by Ms.Shrenika Hatarote, Clinical Psychologist, are permitted to have access to the applicant, who is presently lodged in Yerawada Central Jail, Pune, to submit report in regard to the psychological assessment of the applicant;
- (v) The Head of the Yerawada Central Jail, Pune, where the applicant is presently lodged, shall render complete co-operation in facilitating access to and due evaluation of the applicant in all respects;
- (vi) Learned Registrar (Judicial) of this bench is requested to ensure compliance of these directions;
- (vii) The Criminal Applications stand disposed of.
- (viii) The prayers in the applications, which have not been specifically granted by this order, shall be deemed to have been refused.

[R.M. JOSHI, J.]

[R.G. AVACHAT, J.]

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