

RMA

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1761 OF 2021
IN
CRIMINAL APPEAL NO. 615 OF 2021**

Sachin Raghunath Sawant .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

Ms. Trupti M. Khamkar, Advocate appointed for Applicant
Ms. Jai Kanade, Advocate appointed for Respondent No. 2
Mr. H.J. Dedhia, APP for State

**CORAM : A.S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 25th August 2022.

P.C.:

. This is an Application for suspension of sentence and releasing Applicant on bail.

2. We have heard Ms. Trupti Khamkar, learned Advocate appointed by Legal Aid Committee to represent Applicant, Ms. Jai Kanade, learned Advocate appointed by Legal Aid Committed to represent Respondent No. 2 and Mr. H.J. Dedhia, learned APP for State. With the able assistance of learned Advocates appointed to represent Applicant as well as Respondent No. 2, we have perused the entire evidence.

3. Applicant has been convicted under Sections 376(2)(f) and 506(ii) of IPC and under Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”) and is

sentenced to suffer rigorous imprisonment for life and to pay fine as mentioned in operative part of the impugned Order dated 27.02.2019 passed by learned Special Judge (POCSO), Pune in Special (POCSO) Case No. 350 of 2017.

4. The allegation against Applicant that, he committed an act as contemplated under Section 3(a) of the POCSO Act is fully corroborated by the testimonies of two minor victim girls who are his daughters, out of which PW-2 is his step daughter. The evidence of PW-2 discloses that, Applicant on at least three occasions had committed the act as contemplated under Section 3(a) of POCSO Act against her and also threatened her with serious consequences, if she discloses the said fact to her mother (PW-1). The testimony of PW-3 i.e. younger daughter also discloses the ordeal faced by her at the hands of Applicant. The testimonies of two victim girls inspire confidence in the mind of this Court.

5. After taking into consideration the testimonies of the victims in present crime, we are not inclined to suspend the substantive sentence imposed upon Applicant and release him on bail.

Interim Application is accordingly rejected.

6. As Applicant is in jail since June 2017, list the Appeal on Final Hearing Board immediately after receipt of R & P along with paper book by the Registry.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]