

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1913 OF 2021
IN
CRIMINAL APPEAL NO.736 OF 2021
WITH
INTERIM APPLICATION NO.431 OF 2022

Salim Karim Rangrej

Applicant

versus

The State of Maharashtra

Respondent

Mr.Lokesh D. Zade, Advocate for applicant.

Ms.Shraddha Sawant, Advocate for respondent no.2.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th February 2022

PC :

1. Interim Application No.1913 of 2021 is preferred seeking suspension of sentence and grant of bail during pendency of Criminal Appeal No.736 of 2021. The applicant has been convicted for the offences under Sections 6, 10 of Protection of Children from Sexual Offences Act and under Section 376 of Indian Penal Code. He has been sentenced to undergo imprisonment of 10 years and 5 years respectively.

2. The applicant-accused is the step father of victim who was aged about 13 years at the time of incident. It is alleged that the victim was sexually assaulted by the applicant. The incident had occurred in 2016. The applicant was arrested. Charge sheet was filed. He has been convicted vide judgment and order dated 13th June 2019.

3. Learned counsel for applicant submitted that the applicant is senior citizen aged about 62 years. The applicant has been falsely implicated in this case. The dispute between applicant and mother of victim (PW-3) is on account of premises. The victim has been tutored by PW-3. The medical evidence does not support prosecution case. The medical report and evidence of medical officer does not indicate that there was penetrative sexual assault. The applicant is in custody for a period of about five years.

4. Learned APP and learned counsel for respondent no.2 submit that offence is of serious nature. The applicant is step father of victim. There is sufficient evidence to support prosecution case.

5. I have perused the evidence. The victim and the complainant have deposed that the victim was subjected to sexual assault. The medical evidence indicate that sexual assault was ruled out. The victim was categorically deposed that the applicant has sexually assaulted to her. Considering the facts on record, no case is made out for suspending sentence of imprisonment. However, in the light of fact that applicant is in custody for five years and aged about 62 years of age, following order is passed :

ORDER

- (i) Interim Application No.1913 of 2021 is rejected;
- (ii) Hearing of Criminal Appeal is expedited;
- (iii) Liberty to make application for fixing date of hearing of appeal, if appeal is not heard within six months;

- (iv) This order may be communicated to the applicant in jail where he has been detained;
- (v) Interim Application No.431 of 2022 is disposed of.

(PRAKASH D. NAIK, J.)

MST