

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (APPA) NO.484/2021 IN
CRIMINAL APPEAL NO.348/2021
Rama Vitthal Nandanwar**

..VS..

State of Mah., thr.PSO PS Shivajinagar, Taluka Khamgaon, District Buldhana

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri S.G.Joshi, Counsel for the Applicant (Appointed).
Shri S.M.Ghodeswar, Addl.P.P. for the State.

**CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.**

DATED : APRIL 13, 2022

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri S.G.Joshi appointed through the High Court Legal Services Sub Committee at Nagpur to represent the applicant and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State.
3. The applicant is convicted by judgment and order of conviction dated 17.8.2020 passed by learned Additional Sessions Judge, Khamgaon in Special Child Case No.10/2017 for offences punishable under Sections 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and he was sentenced to suffer rigorous imprisonment for ten years.
4. From arguments made before the court, there is no dispute about age of victim. The victim was examined as PW1. From her evidence it is clear that at the relevant time she was taking education in 4th Std.. and her age was 10 years and,

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therefore, she is a child within the meaning of the POCSO Act. Her evidence shows that the applicant, who is maternal uncle of one Deepali, a friend of the victim, has forcefully established sexual relation with the victim.

5. Learned Judge below has considered evidence of the victim in its correct perspective. Also, he has considered other relevant evidence, in our view, properly to reach to conclusion that the applicant has committed offences for which the applicant was charged.

6. At this stage, we are not ready to disturb finding of fact recorded by learned Judge below. Resultantly, the application **fails** and is **rejected** and disposed of accordingly.

7. Fees payable to learned counsel Shri S.G.Joshi appointed through the High Court Legal Services Sub Committee at Nagpur to represent the applicant are quantified at Rs.3,500/- for arguing the present application.

JUDGE

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JUDGE

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