

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.947 OF 2023

IN

CRIMINAL APPEAL NO.360 OF 2023

Ahmed Razak Shaikh .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

...

Mr.Bhavesh Parmar with Mr.Rahul Gaikwad, Mr.Aman Jhawar
and Mr.Vivekanand i/b Gravitas Legal for the Applicant.

Ms.P.N.Dabholkar, A.P.P. for the State.

Mr.Rajesh Dharap, Appointed Advocate for the Respondent
No.2.

...

CORAM: BHARATI DANGRE, J.
DATED : 27th APRIL, 2023

P.C:-

1. The present application is filed by the Appellant/
Applicant, who is convicted for committing the offences
punishable under Sections 363, 354(A), 376(2)(i), 376(2)(j)
of IPC and Sections 4, 8, 10 and 12 of POCSO Act. For
committing the offences under Sections 376(2)(i), 376(2)(j) of
IPC as well as under Section 4 of POCSO Act, R.I. for 10 years is
the penalty imposed alongwith fine of Rs.1,00,000/-. Apart
from this, distinct sentences are imposed on being convicted
under Sections 363, 354-B of IPC and Sections 8, 10 and 12 of
POCSO Act. All the sentences are directed to run concurrently.

2. On hearing the learned counsel for the Applicant, learned counsel for Respondent No.2 and the learned A.P.P., when I expressed my disinclination to entertain the application, looking to the findings rendered by the learned Judge in the impugned judgment, the learned counsel state that he shall not press this application, but he request for expeditious hearing of the Appeal, since the Applicant is behind the bars for almost six years, out of the sentence of ten years, which he is expected to undergo under the impugned judgment.

I find merit in the submission of the learned counsel. In the wake of the aforesaid, it is directed that R & P be called from the Special Judge under the POCSO Act, Gr.Mumbai with utmost expediency and the Registry shall ensure that R & P is received and paper-book is prepared on or before 30/09/2023.

The Appeal is directed to be listed peremptorily on 3/10/2023 for fixing up a date for final hearing.

3. Interim Application stands disposed off, as withdrawn.

(SMT. BHARATI DANGRE, J.)