



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1125 OF 2022

IN

CRIMINAL APPEAL NO.346 OF 2022

Rajkumar Prithavikumar Singh ...Applicant

vs.

The State of Maharashtra & Anr. ...Respondents

.....

Mr. Shantanu Phanse, for the Applicant.

Mrs. M.H. Mhatre, APP, for Respondent State.

Ms. Manisha Devkar, for Respondent No.2.

.....

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 3rd NOVEMBER 2023

P.C. :

This is an application for suspension of sentence and grant of bail during the pendency of criminal appeal preferred by Applicant challenging the judgment of conviction.

2. Applicant is convicted by learned Additional Sessions Judge and Special Judge (POCSO Act), Greater Mumbai in Special Case No.191 of 2019, C.R. No.I-13 of 2019 with Azad Nagar Police Station, Mumbai for the offences punishable under Sections 6 and 10 of the

Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and under Sections 354 and 506(2) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 18 (eighteen) years and to pay a fine of Rs.17,000/-.

3. Heard learned Advocate for Applicant/Appellant, learned APP for Respondent-State and learned Advocate for Respondent No.2.

4. Learned Advocate for Applicant argued on the merits of the conviction by referring to the evidence of prosecution witnesses and submitted that evidence is unreliable and there are contradictions, omissions and improvements and, therefore, the same is unreliable. Learned Advocate for Applicant submits that Applicant is falsely implicated due to previous disputes.

5. Learned APP and learned Advocate for Respondent No.2, on the other hand, supported the impugned judgment of conviction. They submit that evidence of victim is itself sufficient to sustain the conviction. According to them, Applicant/Accused tried to change defence from time to time.

6. I have given careful consideration to the rival submissions by learned Counsel. Perused the evidence of prosecution witnesses and the impugned judgment. I am of the prima facie opinion that findings recorded by the trial court are sustainable as there is sufficient evidence

that Applicant has committed the offence for which he is convicted. In this view of the matter I do not wish to elaborate the reasons in this order, as the appeal filed by Applicant is pending for hearing and final disposal. No case for bail pending appeal is made out. In the result, the following order:

- (i) Interim application stands rejected.
- (ii) Hearing of criminal appeal is expedited.

[NITIN B. SURYAWANSHI, J.]