



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPLICATION NO. 3418 OF 2024
IN APEAL/739/2024

BHAUSAHEB RADHAKISAN GADEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms.Neha Gajanan Udawant h/f Mr.
Salunke Sudarshan J.

APP for Respondents/State : Mr. S.K. Shirse

...

CORAM : KISHORE C. SANT, J.

DATE : 14th AUGUST, 2024.

PER COURT :

1. Issue notice to the respondents, returnable on 04.09.2024.
2. Learned APP waives service of notice for respondent No. 1 State.
3. Learned APP to get served the notice of respondent No. 2 through the concerned Police Station.

4. On going through the judgment of the trial Court it is seen that the age of the victim in this case is 6 years. The learned trial Judge however, has awarded punishment under Section 7 punishable under Section 8 of the POSCO Act. Considering the age of the victim was 6 years at the time of incident, the conviction therefore, should be for the offence under Section 9 (3) punishable under Section 10 of the POSCO Act. However, the punishment in the present case considering the offence under Section 7 is only 5 years, whereas, the punishment for the offence under Section 9 punishable under Section 10 of the Act is not less than 5 years but which may extend to 7 years with fine.

5. In view of this, this Court is issuing notice to the appellant that why the sentence should not be enhanced by treating the offence under Section 10 of the POSCO Act as well.

**(KISHORE C. SANT)
JUDGE**

mahajansb/