

Thane, in Special (POCSO) Case No. 152 of 2014, has been convicted for the offences punishable under Sections 302 and Section 376 of the Indian Penal Code ('IPC') as well as under Section 4 of the Protection of Children from Sexual Offences Act ('POCSO Act'). For the offence punishable under Section 302 of the IPC, the applicant has been sentenced to undergo life imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo further simple imprisonment for six months. In addition, separate sentence is awarded for the other offences. All the sentences were directed to run concurrently.

4. Learned counsel for the applicant submits that the applicant has undergone 10 years in custody and as such the applicant be enlarged on bail.

5. We have perused the evidence. The deceased at the relevant time was aged 17 years. It appears that the applicant and the deceased were in a relationship and that from the said relationship the deceased was pregnant, and had undergone abortion. It appears that

the applicant was suspecting the character of the deceased and would follow her. On 29th April 2014 at about 12:15 p.m. the applicant followed the deceased, quarreled with her and assaulted her with a knife on her throat, neck and abdomen. The postmortem report shows that the deceased sustained six injuries, out of which 4 were incised and stab injuries. The injuries were as under;

- “1. *Incised wound (cut throat injury) over front of neck below thyroid cartilage, horizontal extending from Rt. to Lt. 9.0 cm X 6.0 cm. Cut muscles of neck & trachea c/o tailing of wound on U side 2.0 cm;*
 2. *Stab wound over Lt. Side neck, 5.0 below ear lobule, oblique 2.0 cm X 1.6 cm X muscle deep;*
 3. *Incised wound over neck, 1.0 cm above injury no.1 on Rt. side. Size 4.0 cm X 1.0 cm X skin deep;*
 4. *Superficial incised wound between injury no. 1 & 3 horizontal, 5.0 cm X 0.4 cm X skin deep;*
 5. *Superficial incised wound, 1.0 cm below injury no.1 on Lt. side, horizontal, 5.0 cm X 0.2 cm X skin deep;*
 6. *Stab wound over abdomen Rt. Side, 3.0 cm above & oblique to umbilicus, size 2.5 cm X 1.0 cm X cavity deep.*
- *All injuries are antemortem in nature*
 - *All injuries are having margins clean cut*
 - *Stab wounds are having only one angle cut*
 - *Incised wounds are caused by sharp weapon*
 - *Stab wounds are caused by sharp pointed weapon single edged.”*

6. The prosecution has relied on last seen evidence, motive, recovery of knife and recovery of blood stained clothes at the instance of the applicant.

7. Considering the manner in which the applicant assaulted the deceased, this is not a fit case to enlarge the applicant on bail. However, since the applicant is in custody for more than 10 years, his appeal deserves to be heard expeditiously. The paper-book in the aforesaid case is also ready.

8. Hence, the aforesaid Criminal Appeal being Criminal Appeal No.1255 of 2022 be listed at the end of the Admission Board 'for final disposal' on **13th June 2024**.

9. Accordingly, the interim application for suspension of sentence and enlargement on bail is rejected.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.