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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 815 OF 2024
IN
CRIMINAL APPEAL NO. 524 OF 2024

Sunilkumar Sukkan Paswan

...Applicant

Versus

The Union Territory Division Daman
& Diu & Anr.

...Respondents

Mr. Ganesh Bhujbal, Appointed Advocate for the Applicant.

Mr. H.S.Venegavkar, Spl.P.P. a/w Ms. Amisha Salvi for the Respondent
No.1 / UT.

Ms. Payoshi Roy, Appointed Advocate for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 18th NOVEMBER, 2024

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks suspension of his

sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

3. The applicant, vide Judgment and Order dated 17th August, 2023, passed by the learned Sessions Judge and Judge of the Special Court under POCSO Act, Daman, in Special (POCSO) Case No. 19 of 2019, has been convicted, for the offences punishable under Sections 376 (2) (f) and (n), Section 376AB, Section 323 r/w Section 34 and Section 506 r/w Section 34 of the Indian Penal Code and under Section 6 r/w Section 5(m) of Protection of Children from Sexual Offence Act, 2012 ('POCSO' for short). The maximum sentence imposed is for the offence punishable under Section 376AB of the Indian Penal Code, to suffer imprisonment for life and to pay fine of Rs.20,000/-, in default, to suffer simple imprisonment for two years. Separate substantive sentences have been awarded for each of the offences. All the sentences were directed to run concurrently.

4. Perused the evidence, in particular, the evidence of the

prosecutrix i.e. PW-1. From the evidence of PW-1, it appears that she was nine years old at the time of the incident. In her evidence, PW-1 has narrated, in detail, how the applicant sexually assaulted her and even caused burn injuries to her private part, buttocks and hands.

5. Considering the evidence on record, corroborated by medical evidence, no case is made out for suspending the applicant's sentence and enlarging him on bail.

6. Application stands dismissed and as such, disposed of.

7. Considering that the applicant is in custody since July, 2019, hearing of the appeal is expedited.

8. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.