



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPA] NO.1106 OF 2024
IN
CRIMINAL APPEAL NO.651 OF 2024

[Prakash s/o Dashrath Kursange .vs. The State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ajay D. Tote, Advocate (Appointed) for Applicant-Appellant.
Smt. M.H. Deshmukh, APP for Respondent No.1/State.
Shri Amol Hunge, Advocate (Appointed) for Respondent No.2.
.....

CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.
DATE : MARCH 27, 2025.

This is an application for suspension of sentence filed under Section 389 of the Code of Criminal Procedure.

2. The applicant-appellant has been convicted for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for life and to pay a fine of Rs.2000/- and in default, to suffer further rigorous imprisonment for three months. He is further convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.500/-and in default, to suffer further rigorous imprisonment for one month.

3. It has come in the evidence of the mother that three years before lodging of the report, the victim told her that the accused used to touch her breast and other parts of the body and tried to commit rape forcibly. It is argued that there is a delay in

lodging the first information report as the mother had knowledge about alleged act of the accused, for three years.

4. This argument cannot be accepted at this stage for the reason that in such matters and considering the relations between the victim and the accused, delay has no relevance.

5. Another argument made by the learned counsel for the applicant is that, it was the defence of the accused that because accused tried to prevent the victim from talking with her boyfriend or having any relation with her boyfriend, she got annoyed and filed the false complaint.

6. The deposition of the mother and the victim falsify this defence.

7. The offence is heinous and since it has been proved beyond doubt, we are not inclined to allow this application. Accordingly, the application is rejected.

8. Fees of the learned appointed counsel representing the applicant-appellant and respondent no.2 be paid to them as per the rules.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)