IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 276 OF 2018

SANJAY S/O. NANA AHIRE
VERSUS
THE STATE OF MAHARASHTRA
...
Shri Desale Nilesh N., Advocate for the Applicant.
Shri V.M. Lomate, APP for the Respondent/ State.
Mrs. Wadmare Sanghmitra, advocate for respondent No.2.
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 05 October 2026

P. C. :-

1. Heard the learned advocates for the respective parties.

2. The applicant/ accused is challenging the impugned judgment and order dated 26.09.2018 passed by the learned Additional Sessions Judge, Dhule, in Criminal Appeal No.87/2012 whereby, the said appeal came to be dismissed and the judgment and order dated 23.08.2012 passed by the learned JMFC, Sindkheda in RCC No.783/2009 came to be maintained. Vide the order dated 23.08.2012, the learned JMFC was pleased to convict the applicant for the offence punishable under Sections 451 and 354 of the Indian Penal Code and sentenced him to

suffer rigorous imprisonment for three months and fine of Rs.1000/-, in default, to suffer rigorous imprisonment for one month, for the offence u/s 451 and to suffer rigorous imprisonment for six months and fine of Rs.3000/- and in default, to suffer rigorous imprisonment for two months, for the offence u/s 354.

3. The learned advocate for the applicant submits that the impugned judgments and orders passed by the learned subordinate courts are patently illegal as the prosecution has not established the guilt of the applicant. There is no independent witness examined by the prosecution though the incident is allegedly took place in broad day light in the house of the informant. All witnesses examined by the prosecution are interested witnesses. As such, the prosecution has failed to establish the guilt of the applicant beyond all reasonable doubt. The learned advocate, therefore, prays for allowing the instant revision application.

4. *Per contra*, the learned APP appearing for the State strongly opposes the instant revision application. He submits that the Trial Court as well as the Appellate Court have rightly

considered evidence on record in proper perspective. According to the learned APP, what matters in the case of criminal prosecution is the quality of evidence and not the quantity of evidence. Thus, the evidence which is brought before the Trial Court by the prosecution is sufficient enough to convict the applicant for the alleged offences. There is no error or illegality in the impugned orders. The learned APP further submits that this Court, while sitting in revision under Section 397 of the Code of Criminal Procedure, is having very limited scope and such revisional powers are to be exercised only to prevent miscarriage of justice. Hence, the learned APP prays for dismissal of the revision application.

5. The learned advocate for respondent No.2/ informant, while reiterating the submissions of the learned APP, submits that the crime committed by the applicant is against the woman and is very serious crime. Considering the concurrent findings of the Courts below and the evidence brought on record by the prosecution, the applicant does not deserve any leniency. The learned advocate, therefore, prays for dismissal of the revision application.

6. After going through the impugned judgments passed by the Courts below, it is evident that the applicant came to be convicted for the offences punishable under Sections 451 and 354 of the Indian Penal Code after considering the evidence brought on record by the prosecution. In order to prove the guilt of the applicant, the prosecution has examined four witnesses, namely, the informant PW-1, PW-2 Ganesh Bhika Saindane, PW-3 Kalu Pawar and PW-4 Manoj Pawar (panch witness). The testimonies of PW-1, PW-2 and PW-3 are corroborative with each other. From the testimonies of these witnesses, it is clearly discernible that the prosecution has established its case beyond all reasonable doubt. As such, the impugned orders passed by the Courts below are absolutely correct, proper and requires no interference. Having regard to the limited scope of revisional jurisdiction, this Court would not ordinarily interfere with concurrent findings of fact unless the findings are shown to be perverse, manifestly erroneous, illegal or resulting in miscarriage of justice. On independent consideration of the evidence of the witnesses, I find that the findings recorded by the Courts below are based on evidence available on record and cannot be said to be perverse or manifestly illegal. As no illegality and perversity

is found in the impugned judgments, I am of the opinion that there is no merit in the instant Criminal Revision Application. Hence, the conviction needs to be maintained.

7. However, so far as the question of sentence is concerned, it is stated that the incident occurred in the year 2009. The applicant is presently aged about 55 years and has no previous criminal antecedents. The applicant has faced the criminal proceedings for considerable period of about 17 years. Having regard to the nature of the offences, the age and antecedents of the applicant, the fact that the incident is of the year 2009 and the long passage of time, I am of the view that the substantive sentence of imprisonment imposed upon the applicant deserves to be modified. At the same time, the conviction recorded by the Courts below does not warrant any interference. Having regard to the facts and circumstances of the case and in order to compensate the informant, the applicant is directed to pay an amount of Rs.10,000/- (Rupees Ten Thousand) to the informant by way of compensation as per Section 357 of the Code of Criminal Procedure. The compensation amount shall be paid to the informant on such deposit. Hence, the following

order:-

ORDER

(a) The Criminal Revision Application is partly allowed.

(b) The conviction of the applicant for the offences punishable under Sections 451 and 354 of the Indian Penal Code is maintained.

(c) The substantive sentence of imprisonment imposed upon the applicant by the learned JMFC, Sindkheda, and confirmed by the learned Additional Sessions Judge, Dhule, is modified. In lieu of the sentence of imprisonment and fine imposed by the learned Trial Court, the applicant shall pay an amount of Rs.10,000/- (Rupees Ten Thousand) by way of compensation to the informant.

(d) The aforesaid amount shall be deposited before the learned Trial Court within a period of one month from today. On such deposit, the same shall be paid to the informant.

(e) In the event of failure on the part of the applicant to deposit the aforesaid amount within the stipulated period, the amount shall be recoverable in accordance with law.

(f) The record and proceedings be returned to the concerned Court.

kps (SUSHIL M. GHODESWAR, J.)