

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 227 OF 2023

Mohammad Haroon Maqbul Ansari ..Appellant
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
INTERIM APPLICATION NO. 665 OF 2026
WITH
INTERIM APPLICATION NO. 3713 OF 2025
IN
CRIMINAL APPEAL NO. 227 OF 2023**

Ms. Syed Shabana M. Ali for Appellant.
Ms. Supriya Kak, APP for State/Respondent No.1.
Ms. Jai Kanade (Appointed Advocate) a/w. Prachiti Naik for the
Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.**

DATE : 23 MARCH 2026

JUDGMENT : (PER SARANG V. KOTWAL, J.)

1. The Appellant has challenged the Judgment and order dated 31.08.2019 passed by the Designated Judge under the Protection of Children from Sexual Offences Act, 2012, Greater Bombay, passed in POCSO Special Case No.317 of 2015.

2. By the impugned Judgment and Order, the Appellant was convicted and sentenced as follows:

i) The Appellant was convicted for commission of the offence punishable U/s. 376(2) of the Indian Penal Code and U/s. 6 of the Protection of Children from Sexual Offences Act, 2012. He was sentenced to suffer rigorous imprisonment for life, which was to mean imprisonment for the remainder of the Appellant's natural life and to pay a fine of Rs.10,000/- and in default to suffer rigorous imprisonment for two months, for commission of offence punishable u/s 376(2) of IPC.

ii) In view of the sentence imposed U/s. 376(2) of the IPC, no separate sentence was imposed for commission of offence punishable U/s. 6 of the POCSO Act.

iii) On realization of fine amount, it was directed to be paid to the victim, as compensation.

iv) The Appellant was granted set off u/s 428 of the Cr.P.C.

3. The prosecution case, in brief, is as follows :

The Appellant was having a shop in the locality where the victim was residing. The incident took place between the end of the year 2014 and beginning of 2015. The date of birth of the victim was 13/06/1999. Her intelligence quotient was low. The Appellant took advantage of her condition and established forcible

physical relations with her thereby making her pregnant. The victim's mother got to know about her pregnancy. She went to a hospital, with the victim. She lodged an FIR against unknown person on 22/02/2015. Procedure for medical termination of pregnancy was carried out. The samples of the victim's blood and of the foetus and body parts of the foetus were preserved for DNA analysis. After about a month, on enquiry made by the mother with the victim, the victim indicated that the Appellant was the culprit. He was accordingly arrested on 21/03/2015. His blood sample was taken for DNA analysis. The investigation was conducted. Various panchnamas were carried out. Statements of witnesses were recorded. The DNA analysis showed that the victim and the Appellant were the biological parents of the foetus. On completion of the investigation, the charge-sheet was filed and the case was committed before the Special Court for POCSO.

4. During trial, the prosecution examined 15 witnesses, including the victim, her mother, Panchas, the carriers of articles to the FSL, the Headmaster, the expert who conducted the DNA analysis, the medical officer and the Investigating Officer. The

defence of the Appellant was of total denial. According to him, he was falsely implicated. The learned judge relied on the evidence of the victim and the DNA report. Based on the evidence led by the prosecution, he convicted and sentenced the Appellant as mentioned above.

5. The FIR was lodged by the mother of the victim, who was examined as PW-1. She deposed that she was residing with her husband, two sons and two daughters. The victim, who was her daughter, was born on 13/06/1999. She was studying in BMC School at Andheri. PW-1's younger daughter was also admitted in the same school with the victim, though the younger daughter of PW-1 was one and half years younger than the victim. PW-1 has deposed that the victim was mentally weak since her birth. PW-1 and her husband were both hawkers. They used to sell fruits to earn their livelihood. The school hours of the victim were 12.30 p.m. to 06.15 p.m. After December 2014, the victim missed her menstrual cycle, causing concern for PW-1. She took the victim to a doctor, who, on examination informed that the victim was pregnant. On the doctor's advice, PW-1 took the victim to Cooper

Hospital. On 21/02/2015, Sonography was carried out. PW-1 was informed that the victim was in the fourth month of pregnancy. The victim was admitted in the hospital. The procedure for medical termination of pregnancy was carried out. PW-1 lodged her FIR on 21/02/2015 vide CR No.125/2015 at D.N. Nagar Police Station. The FIR is produced on record at Exhibit-11. She enquired with the victim about the culprit. Subsequently, the victim described the culprit as the 'shopkeeper uncle'. Accordingly, PW-1 informed this fact to the police. Police then arrested the Appellant. He was shown to the victim. She identified the Appellant. The victim indicated to PW-1 that the Appellant had slapped her. PW-1 handed over the clothes of the victim to the police. She accompanied the victim when the victim's statement was recorded U/s. 164 of the Cr.P.C. That statement is produced on record at Exhibit-12. PW-1 deposed that the victim had stated before the police that she was sexually assaulted by the Appellant on four occasions.

In the cross-examination, she stated that she used to leave her house for her business of selling fruits at about 09.00

a.m. Her husband used to leave their house at 05.00 a.m. to bring fruits. He used to return at around 11.00 a.m. to 12.00 p.m. and then he would leave at around 02.00 to 02.30 p.m. to sell the fruits. Her four children used to stay at home. Her eldest son was going to college and the younger son used to go to school. The area where they resided was a crowded area. She denied the suggestion that there were many shops in the vicinity. She deposed that there was only one shop. Her other children were not knowing about the offender. She continuously enquired with the victim from 03/03/2015. Finally, on 21.03.2015 the victim revealed that the shopkeeper uncle was the offender. PW1 deposed that she was trying to assure the victim slowly and gradually, and therefore, finally on 21/03/2015, she came to know about the culprit from the victim. She produced the school leaving certificate. It is produced on record at Exhibit 10. It shows the victim's date of birth as 13/06/1999.

6. The victim was examined as PW-2, but at that time she was unable to answer properly. Therefore, she was again examined with the assistance of Special educator, Sandhya Ukalkar. The

victim was examined as PW-7 on this occasion. The victim deposed about her friends and her school. As far as the incident is concerned, she described the incident. According to her, she was pulled and was slapped. Then PW-7, the victim, made some gestures showing that she was slapped. She further deposed that her clothes were removed. She made gestures indicating this fact. She further deposed that the Appellant shut the door of the shop. She then described the incident, pointing to her private parts, and said that there was pain in her abdomen. She further deposed that she was taken to Cooper Hospital. She explained that she was in the house of the uncle. He had a shop. He committed those acts in the morning. She identified the Appellant in the court.

In the cross-examination, she deposed that she had gone to the police station in the morning with her mother and brother. When the police inquired with her, her mother was sitting outside. In further cross-examination, she stated that when the police inquired with her, her mother answered the questions. She further stated that the accused committed that act in the morning. She had gone to the house of the accused. He had a shop.

7. PW-10, Dr. Suyog Jaiswal was Assistant Professor in Psychiatry at Cooper Hospital, Mumbai. On 25/04/2015, the victim was brought to Cooper Hospital. PW-10 conducted the IQ test and concluded that her IQ was 36. The normal IQ range was 85 to 110. He produced the report at Exhibit 35. The victim's mental age was four years and ten months.

8. PW-14, Dr. Hemlata Kuhite, had conducted the procedure for medical termination of pregnancy. She deposed that on 21/02/2015, the victim was brought to Cooper Hospital. At that time, the victim's mother was not aware of any history of sexual assault by any known or unknown male. At that time, PW-14 was of the opinion that the victim could be 24 weeks' pregnant. To make it more clear, Sonography was conducted, and it was revealed that she was 19 weeks pregnant. On the same day, her pregnancy was terminated. Consent of the victim's mother was obtained before the procedure. She was given discharge on 02/03/2015. PW-14 and her team collected femur of the aborted foetus for DNA analysis. They collected blood samples of the victim for DNA analysis. The form was filled in the prescribed format for

sending it to FSL. The identification form is produced on record at Exhibit 22. All the collected samples of the femur of the foetus and blood sample for DNA test were sealed and handed over to police for further sending them to FSL, Kalina.

In the cross-examination, she deposed that the samples were handed over to the police on 25/02/2015. Till then, the samples were kept in the hospital. They were kept in a refrigerator in the labor ward. Though she did not have any report to show in whose custody the samples were given.

9. PW-6, Police Naik Laxman Shinde, was the carrier of those samples to FSL. He deposed that he was attached to D.N. Nagar police station. On 25/02/2015, PI Jadhav told him about the case and handed over two sealed samples of the blood and foetus obtained for DNA test in a ice box. The ice box containing two sealed samples was covered. He was also given a covering letter and as per the directions, PW-6 took those samples and the covering letter to FSL Kalina for chemical analysis. He handed over those samples to the FSL and returned to the police station, obtaining acknowledgment from FSL. He identified the covering

letter and the copy at Exhibit 22.

In the cross-examination, he deposed that he did not know when those samples reached the police station.

10. PW-3, Satanarayan Gupta, was a Pancha for the Panchnama under which the Appellant had shown the spot of incident. The Panchnama is produced on record at Exhibit 15. He deposed that he was called at DN Nagar police station on 28/03/2015. The accused was present there. He took them to his shop. The spot of incident was inside his grocery shop. There were clothes hanging inside the shop. The Panchnama was prepared. The clothes of the accused were also seized.

11. PW-4, Mehabood Shaikh Shahabuddin was a Pancha in whose presence the clothes of the victim were seized on 30/03/2015. Seizure of the victim's clothes after so many days is not very significant.

12. PW-5, Head Constable Suman Naik, had carried the blood samples of the Appellant from Nagpada Police Hospital. She went to Nagpada Police Hospital, collected the sealed sample of

blood of the Appellant and carried those samples to FSL Kalina with the covering letter. She obtained the acknowledgment of FSL Kalina.

In the cross-examination, she deposed that she did not take the Appellant to Nagpada Police Hospital. His blood samples were obtained on the same day, that is, on 24/03/2015.

13. PW-11 Dr. Ravindra Chavhan deposed that on 23.03.2015, the Appellant was brought by Police Naik Buckle No.32025 attached to D.N. Nagar police station for the Appellant's medical examination and for drawing blood samples for DNA test. He deposed that he collected the Appellant's blood samples at Nagpada police hospital. He filled the necessary identification form for the DNA test. After collecting the blood samples, he sealed it and handed it over to the police officer attached to D.N. Nagar police station. The blood samples were kept in the DNA kit sent by the Forensic Science Laboratory (FSL) and brought by the officials of D.N. Nagar police station. He produced the identification form at Exhibit19. He identified the Appellant in the Court. He

produced the original letter dated 23.03.2015 addressed by him to the FSL. The blood samples collected for the DNA test were handed over to the police head constable 22873 of D.N. Nagar police station to deposit them with the FSL. He deposed that the blood samples were given in sealed condition, with CA form.

In the cross-examination, he stated that the DNA kit was brought to him on 23.03.2015. The Appellant was brought to him at around 7:00p.m. on 23.03.2015. At that time, he had obtained his blood samples for the DNA test and for grouping.

14. PW-8 Ramchandra Jaiswar was the Headmaster of the school where the victim was studying. He deposed that the School Leaving Certificate at Exhibit-10 was based on the information mentioned in the original register. He produced a photocopy of the admission register at Exhibit-26.

In the cross-examination, he stated that the birth date was to be entered in the admission register on the basis of birth certificate, and in this case he did not recollect whether he had verified any documents while giving admission to the victim.

15. PW-9 Supriya Gaikwad was an important witness. She was working with the FSL, Kalina, Mumbai and was attached to DNA division. She stated that, she received the letter dated 24.02.2015 issued by the Senior Inspector of Police of D.N. Nagar police station for obtaining DNA kit for the victim girl. The kit was handed over to the concerned police station. On 25.02.2015, she received the blood samples of the victim girl and the femur bone of the foetus along with identification form of the victim for the DNA test. She identified the identification form at Exhibit-22. She received two sealed plastic containers. She extracted the blood samples and femur bone of the foetus

On 23.03.2015, their office received a letter from the Senior Inspector of Police of D.N. Nagar police station requesting for DNA kit for collecting the blood sample of the Appellant. Her office had provided the DNA kit along with the identification form. The identification form at Exhibit-19 was identified by her in the Court. It was received having filled by the Medical Officer along with the covering letter dated 24.03.2015 of D.N. Nagar police station. It is also a part of Exhibit-19 collectively. The blood sample

of the Appellant for the DNA analysis was sent with the covering letter and the identification form. The samples were received in sealed condition. She further deposed that, she extracted all the three samples i.e. blood sample of the victim, blood sample of the Appellant and femur bone of the foetus. She analyzed all the three samples; obtained DNA profiles from them and matched all these samples with each other. Her conclusion was that the Appellant and the victim were the biological parents of the foetus. She had started her analysis on 25.02.2015 and had completed it on 27.07.2015. She produced the report at Exhibit-30.

In the cross-examination, she deposed that the material and articles were preserved in FSL. She received the articles in sealed condition for analysis. She added that, their office received the blood samples of the appellant on 19.03.2015.

Learned counsel for the Appellant relied on this statement to contend that the blood sample of the Appellant was not sent on 24.03.2015, but on 19.03.2015, though the Appellant was arrested on 21.03.2015. This aspect is discussed even by the

learned Judge in his Judgment.

16. PW-12 PI. Anand Jadhav had carried out part of the investigation. He had gone to Cooper Hospital. He had recorded the supplementary statement of PW-1. He had issued request letter to Cooper Hospital for collection of blood sample of the victim girl and the sample of her foetus. He had issued letter to FSL, Kalina for obtaining the DNA kit for collecting the blood samples for DNA analysis. He identified the concerned documents on record. He identified the letter addressed to Cooper Hospital for collection of the blood samples and the identification form filled by the Medical Officer of Cooper Hospital. He arrested the Appellant on 21.03.2015. He called the victim girl and PW-1 to the police station. The victim identified the Appellant. The Appellant was then referred for the medical examination. He requested the FSL to provide the DNA kit for collection of blood sample of the Appellant for DNA analysis. After the DNA samples were collected, they were sent to FSL Kalina. He carried out further investigation. He seized the clothes of the victim. He obtained the school leaving certificate. The clothes of the Appellant and the victim were sent

for chemical analysis. He recorded the statements of various witnesses.

In the cross-examination, he admitted that the F.I.R. was lodged against an unknown person. He denied that in all cases when the accused was unknown, the identification parade of the accused was required. According to him, if the victim knew the accused then the identification of the accused was not required. The blood samples of the Appellant were sent only on one occasion for chemical analysis. He was shown his letter dated 07.04.2015. He added that, earlier the blood samples were sent without form No.2. As per his letter at Exhibit-44, dated 07.04.2015 the blood samples of the Appellant and the form No.2 received from Nagpada Police Hospital were referred to the chemical analyzer. He stated that, according to PW-5 Suman Naik, WPC 00829, the blood samples of the Appellant were referred to C.A., Kalina on 24.03.2015.

At this stage, it needs to be clarified that the C.A. reports produced by the prosecution are concerning to two blood

samples. One was received on 07.04.2015. It bore number as M.L.Case No. B-1947/15 and other blood sample of the Appellant was received on 29.03.2015 and the number was M.L.Case No.DNA-415/15. Therefore, it is quite clear that the Appellant's blood was sent on two different occasions. The date of receipt of the sample on 07.04.2015 was not for the purpose of DNA analysis. Exhibit-19 itself is clear that the blood sample of the Appellant for DNA analysis was received by the FSL on 24.03.2015 itself which was used for DNA analysis on 29.03.2015.

17. PW-13 PSI Ashok Borate had lodged the FIR. He had enquired with the victim, but she was not in a position to say anything. Therefore, he enquired with the victim's mother and lodged her F.I.R. vide C.R.No.125 of 2015 at D.N. Nagar police station.

In the cross-examination, he stated that he enquired with the girl, but she was not speaking anything. He had made station diary entry in that behalf.

18. PW-15 PSI Sandhya Teli had recorded the victim's

statement on 28.03.2015.

19. Apart from this oral evidence, as mentioned earlier, the prosecution produced the documentary evidence in the nature of DNA report and CA reports. The DNA report is at Exhibit-30. As mentioned earlier, the victim girl and the Appellant were the biological parents of the foetus. The CA report is not of much significance because the clothes of the Appellant and the victim were seized much later and nothing incriminating was found from their analysis.

**SUBMISSIONS OF MS. SYED SHABANA ALI, LEARNED COUNSEL
FOR THE APPELLANT:**

The prosecution has failed to prove its case beyond reasonable doubt. The date of birth of the victim was not proved and, therefore, conviction under the Protection of Children from Sexual Offences Act (POCSO Act) was not proper. The prosecution has not produced the birth certificate of the victim on record. The school record was based on the information given by the mother of the victim. The Appellant was arrested on 21.03.2015. The FIR

was lodged against an unknown person on 22.02.2015. The Appellant was arrested after about a month. Since the FIR was lodged against an unknown person, it was necessary for the investigating agency to have conducted the test identification parade. Learned counsel further submitted that the chain of custody of the blood sample is not properly established. The possibility of tampering is not ruled out. She emphasized on the statement made by PW-9 Supriya that the blood samples of the Appellant were received on 19.03.2015 which could not have been possible because the Appellant was arrested on 21.03.2015. There is nothing to show that the samples were kept in proper custody by following all the procedure.

20. Learned counsel further submitted that in case the Court reaches the conclusion of guilt, leniency be shown to the Appellant. She submitted that the Appellant's wife was suffering from cancer in the year 2019 and the Appellant's one of the four daughters was also suffering from health issue. She submitted that the sentence of life imprisonment for the rest of his natural life is too harsh.

SUBMISSIONS OF MS. SUPRIYA KAK, LEARNED APP FOR THE STATE AND MS. JAI KANADE, LEARNED COUNSEL FOR THE RESPONDENT NO.2.

21. Learned APP, as well as, learned counsel appearing for the Respondent No.2 submitted that the prosecution has proved its case beyond reasonable doubt. The date of birth of the victim was never in doubt. In any case, there was no reason for the Headmaster to depose falsely against the Appellant and it was not possible that the entry could have been made subsequently to falsely implicate the Appellant. They submitted that the victim, within her limited capacity had described the incident in detail. Considering her mental status, conducting test identification parade in this case was not required. It would have placed unnecessary stress on her mind. In this particular case, identification by her in the Court is more important. Obviously, she was under fear and, therefore, for about a month the name of the Appellant was not known. Hence, though the F.I.R. was lodged on 22.02.2015, the Appellant's name surfaced only one month after; that too because of persistent efforts made by the victim's mother. The victim has given her answers. The Trial Court has followed the

proper procedure permissible U/s.33 and 38 of the POCSO Act while recording the evidence of the victim. With the help of an expert, the victim had described the entire incident in as much detail as was possible for her. She had stood firm in cross-examination. In any case, the fact that the victim had to undergo the procedure of medical termination of pregnancy cannot be disputed. The clinching evidence in this case is the DNA report which conclusively proved that the Appellant was the biological father of the foetus. In this case, the primary evidence is of the victim herself. The DNA report corroborates her version. Hence, the prosecution has proved its case beyond reasonable doubt.

REASONS AND CONCLUSIONS:

22. We have considered these submissions. The fact that the victim was pregnant and had to undergo the procedure of medical termination of pregnancy is not in dispute. Her psychological evaluation shows that her IQ was quite low. Therefore, it is proved beyond doubt that the offender had taken advantage of this unfortunate situation and had committed the act making her

pregnant. These facts are undisputed.

23. As far as the involvement of the Appellant is concerned, while it is true that the F.I.R. was lodged against an unknown person; the evidence shows that after persistent efforts, PW-1 mother of the victim could get some indication about the identity of the offender. The victim told her that he was a shopkeeper uncle. There was only one shop in the vicinity. The victim's mother passed this information to the police and then the Appellant was arrested. In this case, considering the delicate mental state of the victim, we do not find fault in the police not having arranged the test identification parade. The victim identified the Appellant in the Court. It is the substantive identification. The victim's evidence was recorded with the help of a special educator. Her evidence was sufficiently clear. She had described the incident and the involvement of the Appellant.

24. The victim's evidence in this case itself is sufficient to fix the identity of the Appellant. But, even otherwise, the prosecution has brought on record the clinching evidence of DNA report in this

case. As mentioned earlier, Exhibit-30 which was the DNA analysis report, clearly shows that the Appellant was the biological father of the aborted foetus of the victim. His connection with the crime is established by this report. Though, learned counsel tried to argue that the chain of custody of the blood sample is not mentioned, and that at one place PW-9 Supriya has admitted that the blood sample of the Appellant was received on 19.03.2015, even before his arrest; we are unable to agree with her submissions. Though, it is a stray admission given by her, the record speaks otherwise. Even her rest of the evidence and particularly her examination in chief sufficiently establishes how the blood sample of the Appellant was collected for the purpose of DNA analysis and was sent to FSL. PW-5 Suman was the carrier of that blood sample. Her evidence is important. She had gone to Nagpada police hospital. The Appellant was sent there for drawing his blood sample on 24.03.2015. PW-5 Suman deposed that, after collecting the samples, they were taken to FSL, Kalina. Exhibit-19 also shows acknowledgment of the clerk, FSL, Kalina mentioning that the sealed plastic container was received. The covering letter

on which the acknowledgment is given is dated 24.03.2015 and the acknowledgment is also dated 24.03.2015. The covering letter mentioned that the Appellant's blood samples were drawn and it was sent to FSL Kalina.

25. PW-11 Dr. Ravindra Chavhan has deposed that the blood sample of the Appellant was extracted on 23.03.2015 at about 7:00p.m. and immediately on the next date on 24.03.2015 the sample had reached FSL, Kalina. Therefore, the Appellant cannot get any benefit of reference to the date 19.03.2015. The other sample of blood was sent on 07.04.2015. But as discussed earlier, that was not for the DNA analysis. The samples of the victim's blood and the femur bone of the foetus were collected on the date on which the MTP was conducted and those samples were also immediately sent to FSL, Kalina. The analysis was conducted of all those samples. We do not find any infirmity in sending those samples to FSL, Kalina. The DNA report squarely implicates the Appellant and connects him with the crime.

26. Learned counsel for the Appellant submitted that the

prosecution has failed to prove that the victim was below 18 years of age. In this context, the evidence of the Headmaster of the School, PW-8 Ramchandra is important. He had produced the school record i.e. the register maintained at the time of victim's admission to the school. It was maintained in the ordinary course of business much before the prosecution case was lodged. There was no scope to manipulate the said record to implicate the Appellant. Therefore, it was the case of the prosecution that the date of birth of the victim was 13.06.1999. The school leaving certificate was based on that record. Thus, the prosecution has proved that the victim was a minor at the time of the incident.

27. Thus, the prosecution has proved that the Appellant had committed the offence punishable U/s.376(2) and in particular Sub clause (l) which speaks about rape on a woman suffering from mental or physical disability. The prosecution has also proved that the Appellant has committed the offence U/s.6 r/w. Section 5(j) (ii), (k) and (l) of the POCSO Act.

28. During the period of offence, the minimum sentence

U/s.6 of the POCSO Act was 10 years which could extend to imprisonment for life and for the offence punishable U/s.376(2) of the IPC, the minimum sentence was 10 years which could extend to imprisonment for life which was to mean imprisonment for remainder of that person's natural life. Therefore, the learned Judge has recorded the conviction U/s.376(2) of the IPC and U/s.6 of the POCSO Act.

29. As far as the sentencing part of the impugned Judgment is concerned, we are inclined to show some leniency to the Appellant. Of course, it is undoubted that the offence is grave and serious. However, at the time of commission of the offence, the minimum sentence of 10 years was prescribed. The Appellant's wife is a cancer survivor. Out of his four daughters, one has serious health issues. Therefore, we are inclined to show some leniency to the Appellant. But considering that the victim in this case was a mentally incapacitated minor, and had become pregnant; she had to go through the trauma, we are not inclined to reduce the sentence to the minimum provided at the time of commission of the offence. In our opinion, the sentence of R.I. for 20 years would

serve the ends of justice.

30. Hence, the following order:

O R D E R

- i) The Judgment and order dated 31.08.2019 passed by the Designated Judge under Protection of Children from Sexual Offences Act, 2012, Greater Bombay, passed in POCSO Special Case No.317 of 2015, convicting the Appellant U/s.376(2) of the IPC and U/s.6 of the POCSO Act is upheld. However, the substantive sentence imposed on the Appellant is reduced from imprisonment for life to R.I. for 20 years.
- ii) The sentence of payment of fine of Rs.10,000/- and in default the sentence of R.I. for two months remains unaltered.
- iii) The Appellant shall be given set off U/s.428 of the Cr.P.C.
- iv) The Appeal is disposed of.
- v) With disposal of the Appeal, both connected interim applications are also disposed of.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)