



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

CRIMINAL REVISION APPLICATION NO.275 of 2023

Jyoti Daware & Anr.] .. Applicants
vs.
State of Maharashtra & Anr.] .. Respondents

Ms.Ankita Nishad i/b Vrushali Maindad, for the Applicants.

Mr.Y.M.Nakhwa, APP for the State.

Mr.Rehan Jabali for Respondent No.2.

PSI Kedari, RCF Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 23rd October, 2023.

P.C.

1] The present Revision Application is filed by the complainant – mother of the victim girl, being aggrieved by the insufficiency of the sentence imposed upon the accused by the Extra Joint Special Judge, under POCSO Act, on 08.08.2022, after he found him guilty of committing an offence under Section 354A of the IPC alongwith Section 12 of The Protection of Children From Sexual Offences Act, 2012 (POCSO).

The Judgment record the findings supporting the conviction of the accused under Section 354A of the IPC as it is the case of prosecution which is proved through the cogent evidence, that he was following her and on particular day, he held her hand and expressed his feelings towards her.

On being convicted under Section 354A of the IPC, he is sentenced to suffer Simple Imprisonment for one week and to pay fine of Rs.3,000/- , in default to suffer Simple Imprisonment for 15 days.

Recording that an offence under Section 12 of the POCSO Act is also made out, but by taking recourse to Section 42 of the POCSO Act, 2012, the learned Judge did not award separate sentence for the offence under Section 12 of the POCSO Act.

2] Heard the learned counsel for the Applicant/complainant and it is her specific submission that the victim girl was of young age and to be specific 15 years of age, whereas, the accused was aged 30. It is also her submission that the act committed by him was gross in nature as he should not have made an attempt to lure an adolescent girl.

3] On reading the impugned Judgment, it is evident that the learned Judge has referred to the previous NC complaint filed against the family of the victim girl and though an attempt to prove the previous enmity

went in vein, relying upon the version of the victim girl, the finding of guilt of the accused under Section 354A of the IPC and Section 12 of the POCSO Act, is clearly recorded.

However, since the imposition of the sentence is a discretion of the Judge and since he deemed it appropriate to sentence the accused to undergo Simple Imprisonment for one week and it is informed that he has already undergone the sentence and has also paid the fine amount, until and unless some apparent perversity is to be found in the impugned order, I do not see any reason to interfere and tinkle with it.

4] In the wake of above, upholding the impugned Judgment, since I am not satisfied that the case is made out for enhancement of sentence, Revision Application is rejected.

[BHARATI DANGRE, J]