

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

CRIMINAL APPLICATION NO. 3508 OF 2015

THE STATE OF MAHARASHTRA
VERSUS
PANDHARINATH ALIAS RUPESH SURESH DOLARE

...
APP for Applicant/State : Mr.S.B. Pulkundwar.

...
CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.

Dated: JULY 10, 2015

...

Heard learned APP for the applicant State.
Perused the findings recorded by the trial Court.
Prima facie, it appears that the trial Court has not properly appreciated the evidence brought on record by the prosecution inasmuch as, C.A. report does indicate that semen and blood was found on knicker of the girl and also there are entries of visit of the accused to the concerned lodge. It appears that the learned trial Court accepted the prosecution case to the extent that the girl was taken to the lodge. However, gave benefit of doubt only on the ground that the Medical Officer who was examined, stated that the victim was of age of

14 to 15 years with margin of 1 to 2 years on both sides.

2 It further appears that the trial Court proceeded to discard the prosecution case on the ground that no documentary evidence was produced on record showing age of the prosecutrix. In our opinion, the findings are, *prima facie*, not sustainable. Hence, case is established for grant of leave to appeal.

3 Accordingly, application is allowed in terms of prayer clauses (B), (C), and (F) and stands disposed of.

4 Appeal **admitted**.

5 Action under Section 390 Cr.P.C. to follow before the Sessions Court, Osmanabad.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)