

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**Criminal Application No.6201 of 2013  
With  
Criminal Application No.6202 of 2013**

The State of Maharashtra. .. **Applicant.**

**Versus**

Mohammad Khamarujjama Mohd.  
Badiujjama. .. **Respondent.**

-----  
Shri. P.N. Mule, Additional Public Prosecutor, for  
applicant.

Respondent - served - absent.  
-----

**CORAM: T.V. NALAWADE, J.**

**DATE : 22nd JULY 2015**

**ORDER:**

1) The application is filed for condonation of delay of 27 days caused in filing appeal against the judgment and order of acquittal given in summons case bearing S.C.C. No.4233/2011 which was pending in the Court of the Judicial Magistrate First Class Aurangabad. Other side is served but nobody has turned up. In view of the contents of the application and the submissions made this Court holds that sufficient cause is shown. So, the application is allowed. Delay is condoned.

2) The application is filed for grant of leave to file appeal against the judgment and order of acquittal delivered in SCC No.4233/2011 by the Judicial Magistrate FC Aurangabad. Heard learned Additional Public Prosecutor Seen the judgment.

3) It appears that the so called incident took place on 18-5-2011 at 10.30 am in front of the house of the prosecutrix. The house of the accused situated adjacent to her house. The evidence discussed show that there is dispute and the complainant felt that accused wanted to purchase her house and that is why he picked up the quarrel. According to her, at the relevant time witness Mangala was in her company and the complainant has made allegation that by holding her hand the accused outraged her modesty. The evidence shows that there were some relatives of the complainant in the house and they were proceeding to attend a marriage. Thus many witnesses could have been gathered if such incident had occurred. FIR was given on 28-5-2011 i.e. after about 10 days of the incident. There is no plausible explanation given for this delay. The view taken by the trial Court is a

possible view. Nothing can be achieved by granting leave to the State to file appeal. In the result, the application is rejected. Leave is refused.

Sd/-  
**(T.V. NALAWADE, J. )**

rs1