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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.72 OF 2015

The State of Maharashtra

..Applicant.

V/s.

Raju @ Rajendra Shivu Dhole and Ors.

..Respondents.

Mrs.U.V.Kejriwal, APP for applicant.

Mr.K.J.Patil for respondent Nos.3 and 4.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 20TH NOVEMBER, 2015

P.C. :-

1. Heard Mrs.Kejriwal, learned APP for the applicant and Mr.Patil, learned counsel for respondent Nos.3 and 4. Perused the impugned judgment and order as well as the deposition of the witnesses.

2. Prosecutrix has supported the case of prosecution. She was minor at the time of alleged commission of offence. She has deposed only against accused No.1. Hence case is made out to grant leave to appeal as against respondent No.1 / accused No.1 only. No case is made out to grant leave to appeal against respondent Nos.2 to 5.

O R D E R

- (i) Leave to appeal is granted as against respondent No.1 / original accused No.1;
 - (ii) Appeal is admitted as against respondent No.1 - original accused No.1.
 - (iii) Leave to file appeal is refused as against respondent Nos.2 to 5 / original accused Nos.2 to 5;
3. Action be taken as contemplated under section 390 of the Criminal Procedure Code as against accused No.1 / respondent No.1.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)