

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

CRIMINAL APPLICATION NO. 4859 OF 2015

**THE STATE OF MAHARASHTRA
VERSUS
SIDHHARTH SHESHRAO LAMTURE**

--

Mr.A.R.Borulkar, APP for applicant

Mr.S.N.Pagare, Advocate for respondent no.1

--

**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 20, 2016**

PER COURT :

Heard the learned A.P.P. appearing for the applicant. Perused the notes of evidence so also the findings recorded by the trial Court.

2. It appears from the medical evidence that at the relevant time, age of the victim was in between 16 and 17 years. That evidence has not been properly appreciated by the learned trial Judge. The evidence of the prosecutrix also requires to be considered in detail. A case is

made out for grant of leave to file the appeal against respondent no.1 – Sidhharth. So far as the other respondents are concerned, the trial Court has rightly granted benefit of doubt to them.

3. Leave to file the appeal is granted as regards respondent no.1 only. The application stands partly allowed accordingly.

4. The appeal is **admitted** as against respondent no.1 – Siddharth only. The learned Counsel appearing for respondent no.1 waives notice upon admission of the appeal.

5. Action under Section 390 of the Code of Criminal Procedure to follow against respondent no.1 – Siddharth before the Sessions Court at Ahmedpur.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp