

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5291 OF 2015

The State of Maharashtra,
Through Swapnil Sanjay Malale,
Age 17 years, Occu.: Education,
R/o Budh Nagar, Nagnath Road,
Osmanabad

.. Applicant
(Orig. Complainant)

Vs.

Santosh Abhiman Ankush,
Age : 30 years, Occu. Teacher,
R/o Ghatangri, Tq. & Dist. Osmanabad

.. Respondent
(Orig. Accused)

Mr. A.R. Kale, A.P.P. for the applicant/State
Mr. A.S. More, Advocate for the respondent

CORAM : M.T. JOSHI, J.
DATE : 10/02/2016

ORAL ORDER :

Heard both sides.

2. Aggrieved by the acquittal of the respondent from the offence punishable under section 354-D and 509 of the Indian Penal Code and also under section 11 r/w. section 12 of the Protection of Children from Sexual Offences Act, by the learned Special Judge, Osmanabad vide judgment and order dated 08/07/2015 passed in Spl. (P.O.C.S.O.) Case No. 5 of 2015, the State wants to file

an appeal and, therefore, the present application for leave to file appeal is preferred.

3. The record would show that all the three witnesses had deposed on the prosecution line. The learned Special Judge has acquitted the respondent, disbelieving their versions.

4. Upon hearing both sides, in my view, an arguable case is made out. In the circumstances, leave to file appeal is hereby granted.

5. Application stands disposed of accordingly.

6. Appeal be registered as per the due procedure.

[M.T. JOSHI]
JUDGE

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