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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5 OF 2016

The State of Maharashtra	 Applicant.
V/s.	
Abdul Salalam Mohammad Ahsan Shaikh	 Respondent

Mr. J. P. Yagbujm APP for the Applicant State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 16TH NOVEMBER, 2016.

P.C. :

1. This application is filed by State seeking leave to file appeal against the judgment and order dated 6.5.2015, passed by Ad -Hoc District Judge-1 and Additional Sessions Judge, Kalyan, in Sessions Case No.171 of 2012. By the said order, respondent was acquitted of under Sections 366A, 376, 506 of the Indian Penal Code.

2. The prosecution in support of its case, examined in all 12 witnesses. However, except testimony of P.W. 2 prosecutrix and P.W.1 her mother, there is no corroborative evidence led by the prosecution. The Medical Report as well as Chemical Analyzer's report negate the theory of rape. So far as evidence of prosecutrix is concerned, the learned

Sessions Judge did not believe the same in view of the various contradictions.

3. Having gone through the impugned judgment and order, we find that the view taken by the learned Sessions Judge is a possible view. Hence we are not inclined to interfere in the same.

4. Application is without any merits. Hence, the same is dismissed.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE,J.]