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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.112 OF 2015

The State of Maharashtra	 Applicant
V/s.	
Kiran Ramesh Kardas	 Respondent

Mrs. M. M. Deshmukh, APP for the Applicant
State.

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

DATE : 16TH NOVEMBER, 2016.

P.C. :

1. Heard learned APP for the State.
2. Application is filed seeking leave to appeal against the order dated 13th May, 2015, passed by Special Judge, Solapur, in Sessions Case No.02 of 2014. By the said order, respondent is acquitted for the offences punishable under Section 376 of the Indian Penal Code and under Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. The prosecution examined in support of its case, 9 witnesses. Except prosecutrix, her mother and maternal uncle, nobody supported the prosecution case. It was case of the prosecution that the prosecutrix was subjected to forcible sexual intercourse, by the respondent accused, in the

month of March, 2013, in the house of her friend P.W.5 Sonali. Despite this fact, F.I.R. was lodged by the prosecutrix on 3rd October, 2013 i.e. after about 7 months from the alleged act. P.W.5 and P.W.6 friend of prosecutrix Sonali and her grand mother, respectively, did not support the prosecution.

4. The F.I.R. is filed only after it was found that the prosecutrix was four month's pregnant. Be that as it may, the D.N.A. test report at Exh.20, excluded respondent to be the biological father of the baby born to the prosecutrix. It was also brought on record that the prosecutrix has relations with four more boys.

5. Taking totality of the circumstances and the evidence into consideration, the Special Judge came to the conclusion that offences alleged against respondent are not proved. This conclusion is arrived on the basis of evidence on record.

6. In our considered opinion, as the view taken by the learned Special Judge is a possible view, we are not, therefore, inclined to interfere in the same. Application for leave to appeal is accordingly dismissed.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]