

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPA] NO.80 OF 2016

[State of Maharashtra .vs. Umesh s/o Madhukar Raut]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T.A. Mirza, APP for the Appellant-State.
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CORAM : B.R. GAVAI AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 26, 2016.

Heard.

For the reasons stated in the application, the
application is allowed. Delay is condoned. Criminal
Application stands disposed of.

CRIMINAL APPEAL NO. OF 2016

Criminal Appeal is taken for admission. We have perused the judgment and order passed by the learned Additional Sessions Judge, Chandrapur in Special (Child) Case No.33 of 2014 thereby acquitting the accused of the offence punishable under Sections 363, 366, 506, 376(2)(n) of the Indian Penal Code.

The perusal of the judgment passed by the learned trial Judge would reveal that upon the evidence placed on record, the learned trial Judge has come to the conclusion that the case was of consent. He has further come to the conclusion that though the prosecution had ample opportunity to establish that the prosecutrix was

below 18 years of age, no efforts were taken and as such the prosecution has failed to establish that the prosecutrix was below 18 years of age. No perversity is found in the findings recorded by the learned trial Judge. Hence, the same is rejected.

JUDGE

Gulande

JUDGE