

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL APPLICATION NO.3272 OF 2017

THE STATE OF MAHARASHTRA
VERSUS
SHANTARAM BAPURAO GHODKE

...

Advocate for Applicant : Mr. SP Tiwari, APP
Mr.Kakade Dnyandeo N., Adv. For R/sole..

CORAM : P.R.BORA, J.

DATE : 28th November, 2017.

PER COURT :

1) Heard learned APP appearing for the State and learned Counsel for the respondent.

2) The State has filed the present application, seeking leave to appeal against the judgment passed in Sessions Case No.330/2015 decided by the learned Additional Sessions Judge, Ahmednagar on 30th March, 2017.

3) The respondent was prosecuted in the aforesaid Sessions Case for the offences punishable under Sections 354(A)(1)(i)(2) of IPC

and under Section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

4) The learned Sessions Judge, after having assessed the evidence brought before it, acquitted the respondent from the offences for which he was charged.

5) Shri Tiwari, learned APP, appearing for the State, submitted that on some frivolous grounds, the learned Sessions Judge has recorded the finding of acquittal. The learned APP further submitted that the evidence which has come on record, is sufficient to prove the guilt of the Respondent-accused. The learned APP, therefore, prayed for granting leave to appeal so that the objections raised in exception to the impugned judgment, can be heard and decided on merits.

6) The learned Counsel appearing for the respondent has supported the impugned judgment. The learned Counsel submitted that the learned

Sessions Judge has rightly acquitted the respondent and no such case is made out by the State for granting leave to appeal against the said judgment.

7) After having considered the submissions advanced by the learned APP and learned Counsel for the respondent and on perusal of the impugned judgment as well as the evidence on record, it does not appear to me that any case is made out by the State for granting leave to appeal. The learned Sessions Judge has rightly observed that the evidence which has come on record and more particularly, the evidence of the victim is not free from doubt and cannot be therefore, depended upon for convicting the respondent-accused.

8) After having gone through the discussion made by the learned Sessions Judge, it appears to me that a possible view has been taken by the learned Additional Sessions Judge. The reasons which are assigned by the Court are consistent

and valid. There is no palpable mistake or error in the judgment and order passed by the learned Additional Sessions Judge. In such circumstances, I am not inclined to allow the present application. Hence, the following order,
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ORDER

. The criminal application is rejected.

(P . R . B O R A , J .)

bdv/