

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 845 OF 2015

WITH

CRIMINAL APPEAL NO. 848 OF 2015

WITH

CRIMINAL APPEAL NO. 941 OF 2015

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CORAM : V.L.ACHLIYA, J.

DATE OF JUDGMENT : 10th JANUARY, 2017

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OPERATIVE ORDER

(i) Criminal Appeal Nos. 845 of 2015, 848 of 2015 and 941 of 2015 are allowed.

(ii) The Judgment and Order dated 28/10/2015 passed in Sessions Case No. 328/2014 by the learned Additional Sessions Judge, Aurangabad is set aside.

(iii) Accused No. 1 Ganesh @ Gorakh Tatyrao Jadhav in Sessions Case No. 328 of 2014 is acquitted of the offence punishable u/s 376 of the Indian Penal

Code and Section 4 read with section 3 of the Protection of Children from sexual Offences Act, 2012. Fine amount, if any, paid by him be refunded to him and set him at liberty if not required in any other case.

(iv) The conviction of appellant Muskan w/o Shaikh Rashid @ Rafiq [accused No. 2] in Criminal Appeal No. 845 of 2015 and appellant Naziya Begum w/o Shaikh Afazal [accused No. 3] in Criminal Appeal No. 848 of 2015 for offence u/s 109 of the Indian Penal Code and u/s 17 of the Protection of Children from sexual Offences Act, 2012 is set aside. Fine amount, if any, paid be refunded to them and set them at their liberty if not required in any other case.

(v) Rs. 3,000/- [Rupees Three Thousand] be paid to Mr. P.S.Paranjape, learned counsel appointed to represent accused No. 1 Ganesh @ Gorakh Tatyarao Jadhav.

[V.L.ACHLIYA, J.]