

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.81 OF 2018

Mr. Mahmmadhanif Yusuf Thodage	... Applicant
V/s.	
Maddy @ Mrugendrasinha Bhikaji Kamble & Ors.	... Respondents

Mr. Kedar Lad for the Applicant.
Ms. V.S. Mhaispurkar, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH 2018

P.C.:

1. This is an application under Section 378(4) of Cr.P.C. for leave to file appeal against the Judgment and Order dated 05.02.2018 passed in Special Case No.24 of 2015 by the learned Special Judge, Kolhapur, thereby acquitting Respondent No.1 for the offence punishable under Sections 354(A), 341, 328, 506 of Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Heard the learned counsel for the applicant and perused the record.
3. The record indicates that, the prosecutrix was having affair with Respondent No.1 and at her own will, she had eloped with him and therefore, initially an offence under Section 363 and 366(A) of the Indian Penal Code was registered at the behest of the applicant i.e. the father of the

prosecutrix. That, after completion of investigation, police submitted charge-sheet under Sections 354(A), 341, 328, 506 of Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

4. The evidence of prosecutrix reveals that, she was initially having friendship with Respondent No.1, which was blossomed into an affair. She has categorically denied that, the Respondent no.1 has committed any offence as alleged by the prosecution.

5. It appears from the record that, the prosecutrix was aged about 17 years and 11 months on the date of incident and had attained the age of understanding and discrimination. The evidence on record further indicates that, the prosecution has clearly failed to prove the offence as alleged against Respondent No.1 by adducing cogent and sufficient evidence.

6. After perusing the entire record, this Court is of the opinion that, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave to file appeal is made out.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)