

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 19 OF 2018**

State of Maharashtra

....Applicant.

Vs.

Nisha Usman Shaikh

....Respondent.

Mr. V.V. Gangurde, APP for the Applicant.

None for the Respondents.

CORAM : A. S. GADKARI, J.**DATE : 16th MARCH, 2018.****P.C.:-**

This is an Application under Section 378 (3) of Cr.P.C. for leave to file Appeal against the Judgment and Order dated 2nd August, 2017 passed by the learned District Judge-8 and Additional Sessions Judge, Thane in Special Case POCSO No. 28 of 2013, thereby acquitting the Respondent for the offence punishable under Sections 370A(1) (2), 372, 373 r/w 34 of the Indian Penal Code and under Sections 3, 4, 5, 6 and 9 of the Prevention of Immoral Trafficking Act and under Sections 12 and 17 of the Protection of Children From Sexual Offences Act.

2 Heard the learned APP and perused the record.

3 The evidence on record discloses that the Respondent herself was a victim in the vocation of prostitution and was compelled to do the said vocation by other accused persons. There is no evidence on record to hold the Respondent guilty of the offences charged against her. As far as the original Accused No.2 i.e. Smt. Sarita Tambe is concerned, it is the allegation of the prosecution against her that, the room wherein the alleged brothel was being conducted, was given on rent by her to the other accused persons. There is material variance in the evidence of prosecution witnesses to infer the fact that the said room was in fact given by the Accused No.2 to the other accused persons for conducting brothel.

4 After perusing the evidence on 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.

5 Application is accordingly rejected.

(A.S. GADKARI, J.)