

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALS) NO.53 OF 2018

The State of Maharashtra ... **Applicant**

V/s.

Chanchalkumar Sinheshwar Rai ... **Respondent**

Mrs.M.R. Tidke, APP for the applicant/State.

Mr.Hrishikesh Mundargi for respondent no.1.

Mr.Vivek B. Pandey for applicant in ALP/160/2018.

CORAM : A.M.BADAR J.

DATED :1st OCTOBER 2018.

P.C. :

1. Heard the learned Additional Public Prosecutor for the applicant as well as the learned Counsel appearing for the respondent/acquitted accused.

2. *Prima facie* scrutiny of the matter reveals that inconsequential aspects were considered to give benefit to the respondent/accused in this case of the offence punishable under

Section 354 of the Indian Penal Code and under Sections 7 and 11 of the Protection of Children from Sexual Offences Act (for short, “POCSO Act”).

3. Concept of reasonable doubt is too liberalized by the learned Trial Court. Short delay in lodging the report where the victim is a female child is considered for acquitting the respondent/accused. The matter therefore requires consideration. Hence the order;

::ORDER::

- (i) Leave as prayed is granted.
- (ii) Memo of application be considered as memo of appeal on effecting necessary amendment thereof.
- (iii) Leave to amend to that effect is granted.
- (iv) Admit.
- (v) Issue notice to the respondent.
- (vi) Mr.Mundargi, learned Counsel waives notice for respondent no.1/accused.
- (vii) In the meanwhile, call for Record and Proceedings.
- (viii) In lieu of action under Section 390 of the Cr.P.C., the

respondent to execute P.R. Bond in the sum of
Rs.15,000/- before the learned Trial Court within a
period of four weeks from today.

Vina
Arvind
Khadpe

Digitally
signed by
Vina Arvind
Khadpe
Date:
2018.09.30
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(A.M.BADAR J.)