

Dond

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

CRIMINAL APPLICATION NO. 169 OF 2013

The State of Maharashtra

..Applicant

Vs

Kanchi @ Rekha Mayla Tamang & Ors

..Respondents

Mr. A.R. Kapadnis, APP for Applicant/State.

CORAM : A.S.GADKARI, J.

DATE : 2nd APRIL 2018.

P.C.:

1] This is an application under Section 378 (3) of Cr. P.C. seeking leave to file an appeal against the Judgment and Order dated 23rd February 2013 passed by the learned Additional Sessions Judge, Greater Mumbai in Sessions Case No.652 of 2011, thereby acquitting the respondents from the offence punishable under Sections 341 and 344 of the Indian Penal Code.

2] Heard the learned APP for State. Perused the record.

3] The record clearly indicates that, by the said impugned Order the respondents have been convicted for the offences punishable under Sections 3,4 and 5 of the the Immoral Traffic (Prevention) Act, 1956 and

were sentenced to suffer maximum rigorous imprisonment for five years and to pay fine on different counts.

The evidence on record reveals that, the prosecution has failed to prove its case beyond reasonable doubt thereby proving the guilt of the respondents for the offence punishable under Sections 341 and 344 of the Indian Penal Code.

4] 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.

5] No case for grant of leave to file appeal is made out.
Application is accordingly rejected.

(A.S.GADKARI, J.)