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

CRIMINAL APPLICATION NO.596 OF 2016

Mrs. Mamotaj Khatun ..Appellant
Versus
The State of Maharashtra & Anr. ..Respondents

None for the Applicant.

Mrs.M.M. Deshmukh, APP for Respondent No.1/State.

Mr. S.D. Shinde I/by ERGO JURIS for Respondent No.2.

**CORAM: B. R. GAVAI &
SARANG V. KOTWAL, JJ.**

DATE: 27th July, 2018

P.C.:-

1 None for the applicant when the matter was called out on 20th July 2018. As such, the matter was directed to be kept for dismissal on 27th July 2018.

2 Today also none appears for the applicant. We have heard learned APP for the State and Shri Sandip Shinde for Respondent No.2.

3 Respondent No.2 was tried for an offence punishable under Section 376(2)(1), 406, 417 and 506 of the Indian Penal Code, so also under Section 3, 4, 7 and 8 of the POCSO Act.

4 The learned trial Judge found that insofar as the offence under Section 376 of the Indian Penal Code is concerned, the medical evidence does not support the prosecution case. He further found that the Chemical Analysis Report of the blood sample taken from the victim, accused and co-accused also do not support the prosecution case. The learned Trial Judge further found that the oral testimony of the victim was of not such a nature only on the basis of which conviction could have been awarded.

5 No good reason is noticed in the application. Application is rejected.

6 Appeal is dismissed.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)