

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

**CRIMINAL APPLICATION NO.62 OF 2017  
(For leave to file Appeal)**

**The State of Maharashtra : Applicant.  
Versus  
Motiram Irappa Kamble & ors. : Respondents.**

**Mr. V V Gangurde, APP, for the Applicant/State.**

**CORAM : A.S.OKA &  
A.S.GADKARI, JJ  
DATE : 21<sup>st</sup> January 2019**

**P.C.**

1 Heard the learned APP appearing for the Applicant/State in support of this Criminal Application filed under Section 378(3) of the Criminal Procedure Code, 1973.

2 By this Criminal Application, the Applicant/State prays for grant of leave to prefer an Appeal against the judgment and order dated 27/02/2017 passed by the learned Additional Sessions Judge, Pune by which the Respondents/Accused have been acquitted for the offences punishable under Section 376 of the Indian Penal Code and under Section 3 read with Section 4 and Section 5(l)(n) read with Section of the Protection of Children from Sexual Offences Act.

3 With the assistance of the learned APP, we have perused the notes

of evidence.

4           Even according to the prosecutrix – Laxmi Yallappa Kambale (PW-1), her date of birth is 02/07/1995. She claims that since November, 2012 she and the first Respondent were in love with each other and that they had maintained physical relationship. She deposed that on 07/02/2013, the first Respondent took her to his home. She stated that she returned to house of her parents on 06/02/2014. However, the FIR was lodged on 28/04/2014. The prosecutrix accepted that from November 2012 (when she was more than 17 years old) she maintained regular relationship with the first Respondent.

5           Considering the admissions of the prosecutrix and the gross delay in registering the FIR, for which there was no explanation, the learned Additional Sessions Judge has held that the prosecution has failed to bring home the guilt of the Respondents/Accused.

6           `The said view of the Trial Court is certainly a reasonable view which could have been taken on the basis of evidence on record. Hence no case for grant of leave to file an Appeal is made out. The Criminal Application is rejected.

**[A.S.GADKARI, J]**

**[A.S.OKA, J]**