

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.917 OF 2019

IN

CRI. APPEAL NO. OF 2019

(STATE OF MAHARASHTRA THR. PSO PS MAREGAON, YAVATMAL...VS.. AMOL MANGAL ADE.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri T.A.Mirza, A.P.P. for Applicant/Appellant-State.

CORAM : Z.A.HAQ AND
M.G.GIRATKAR, JJ.

DATED : NOVEMBER 11, 2019.

The prosecution i.e. State of Maharashtra has challenged the judgment passed by the Special Court acquitting the accused of the charge of commission of the offences punishable under Sections 376(2), (i), (n), 417 and 506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The State of Maharashtra has sought leave to file appeal.

With the assistance of the learned A.P.P., we have gone through the notes of evidence of the witnesses examined by the prosecution. After scanning the evidence, we find that the conclusions of the learned Special Judge that the occurrence of crime in September 2013, as alleged by the prosecutrix, has not been proved and cannot be faulted with.

We find that the conclusions of the learned Special Judge that the prosecution has not been able to prove that the respondent/accused committed aggravated penetrative sexual assault on the minor girl below the age of 16 years also cannot be faulted with.

We find that the learned Special Judge has rightly appreciated the evidence and the conclusions are based on proper appreciation of the evidence on record, and there is no scope for any other view.

Hence, the prayer of the prosecution/State for grant of leave to file appeal against the judgment of acquittal is **dismissed**. Consequently the appeal is **rejected**.

JUDGE

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