

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

CRIMINAL APPLICATION (APPA) NO. 781/2019
IN
CRIMINAL APPEAL NO. /2020

State
..VS..
Kailash S. Parteki

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

Court's or Judge's orders

Ms. K.S. Joshi, Addl. PP for the applicant/appellant

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 08/12/2020

1] Heard Ms. K.S. Joshi, learned Addl. PP for the applicant – appellant.

2] Inspite of service of notice and repeated opportunities, the non-applicant – respondent has chosen to remain absent.

3] With the assistance of learned Addl. PP, we have examined the notes of evidence of the witnesses.

4] Learned APP has pointed out that the date of birth of the victim is 17/10/2001 as proved by producing the school leaving certificate and examining the officiating Headmaster of the school in which the victim was taking education. It is submitted that the incident is dated 17/07/2016 and obviously the victim was minor at that time. According to the applicant – appellant, the Special Court has

overlooked the relevant evidence and the material on record and has committed an error by acquitting the non-applicant – respondent.

5] Prima facie, we find substance in the submission made on behalf of the applicant – appellant. Hence, leave to file appeal is granted.

6] The criminal application is **allowed** accordingly.

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7] Heard.

8] **ADMIT.**

9] List the appeal for final hearing on 06/01/2021.

10] The appellant shall ensure that report of service of notice of this appeal on the respondent – accused is placed on record till 04/01/2021.

JUDGE

JUDGE