

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.915 OF 2015

Raju @ Kiran Dagadu Gavade ... APPELLANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Shri R.N. Dhorde, Senior Counsel with
Shri V.R. Dhorde, Advocate for appellant
Shri R.B. Bagul, A.P.P. for respondent No.1 – State
Mrs. Uma S. Bhosale, Advocate for respondent No.2
(appointed)

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WITH

**CRIMINAL APPEAL NO.929 OF 2015 WITH
CRIMINAL APPLICATION NO.722 OF 2021**

Rahul s/o Bhaskar Gavade & anr. ... APPELLANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Shri C.R. Deshpande, Advocate for appellants
Shri R.B. Bagul, A.P.P. for respondent No.1 – State
Mrs. Uma S. Bhosale, Advocate for respondent No.2
(appointed)

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WITH

CRIMINAL APPEAL NO.38 OF 2016

Santosh Rohidas Borse & ors.

... APPELLANTS

VERSUS

The State of Maharashtra

... RESPONDENT

.....

Shri Govind Kulkarni, Advocate for appellant

Shri R.B. Bagul, A.P.P. for respondent No.1 – State

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CORAM : R. G. AVACHAT, J.

DATE : 08th June, 2022

OPERATIVE ORDER :

For the reasons separately recorded, following order is passed :-

ORDER

- (i) The Criminal Appeals are allowed.
- (ii) The judgment and order dated 30/11/2015, passed by learned Special Judge and Additional Sessions Judge, Dhule in Special Case No.108/2013, convicting the appellants and consequently sentencing them to imprisonment is hereby set aside.
- (iii) The appellants are acquitted of the offences punishable under Sections 376-D read with Section 34 of the Indian Penal Code and Section 4 of the

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Protection of Children from Sexual Offences Act, 2012. The appellants be set at liberty forthwith if not required in any other case.

- (iv) Fine amount, if paid, be refunded to the appellants.

**(R. G. AVACHAT)
JUDGE**

fmp/-