

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [APPA] NO. 1177/2022.

State of Maharashtra

-VERSUS-

Ishwar Ganpat Pawar.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.Ashirgade, Addl.P.P for the Appellant.

CORAM : VINAY JOSHI AND

VALMIKI SA MENENZES, JJ.

DATE : JANUARY 02, 2023.

Heard.

2. The appellant State is seeking leave to file appeal under Section 378[3] of the Code of Criminal Procedure against the acquittal of respondent in Special [POCSO] Case No.70/2019 for the offence punishable under Sections 366-A, 376[2][f][n], 376[3] of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The learned A.P.P. took us through the

impugned judgment and particularly informants' evidence. It is pointed out from the judgment that the date of birth of the victim was 27.10.2003, meaning thereby she was below the age of 18 years on the date of occurrence. Moreover, it is pointed out that the DNA report supports the prosecution case by which it was established that the accused was the biological father of the baby which was delivered by the informant girl. Further the victim in her evidence has stated that the accused has established physical relations with her. It is further pointed out that only because the carrier has not been examined, the trial Court has acquitted the respondent/accused.

4. Having regard to the above material, we find that this is a fit case to grant leave. Leave to file appeal is accordingly granted. Criminal Application is accordingly allowed and disposed of.

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Criminal Appeal No. _____/2022.

Heard.

2. Admit. Call for R & P.
3. Action under Section 390 of the Code of Criminal Procedure Code. The respondent / accused shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one surety in the like amount.

JUDGE

JUDGE