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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE ROHIT ARYA
&
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 23rd OF JANUARY, 2024
CRIMINAL APPEAL No. 1205 of 2024**

BETWEEN:-

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION ATER, DISTRICT BHIND (MADHYA PRADESH)**

.....APPELLANT/STATE

(BY SHRI RAJEEV UPADHYAYA - PUBLIC PROSECUTOR)

AND

- 1. INSPECTOR YADAV S/O SALIGRAM YADAV,
AGED-60 YEARS, RESIDENT OF VILLAGE
RANIPURA, POLICE STATION ATER, DISTRICT
BHIND (MADHYA PRADESH)**
- 2. KOK SINGH @ KOOKA S/O AKBAR SINGH YADAV,
AGED 18 YEARS, RESIDENT OF VILLAGE
RANIPURA, POLICE STATION ATER, DISTRICT
BHIND (MADHYA PRADESH)**
- 3. ANIL S/O MUNNALAL YADAV, AGED 23 YEARS,
R/O VILLAGE RAMA, POLICE STATION SURPURA,
DISTRICT BHIND (MADHYA PRADESH)**

.....RESPONDENTS

.....
*This appeal coming on for hearing this day, **Justice Rohit Arya** passed
the following:*

ORDER

Heard on **I.A. No.1495 of 2024**, which is an application under Section
378 (3) of Cr.P.C. moved on behalf of the State seeking leave to appeal against

the judgment of acquittal of respondents dated 30/10/2023 passed by the Special Judge (POCSO Act), Bhind, District Bhind (M.P.) in ST No.223/2020; whereby, respondents have been acquitted of charges levelled against them under Sections 363, 366 (two counts), 365 (two counts), 368 (two counts), 366-A, 376-D in the alternative Section 376(1) read with Section 109 IPC and under Section 5(g) read with Section 6 in the alternative Section 5(g)/6 read with Section 17 of the Protection of Children From Sexual Offences Act, 2012.

2. We have heard learned Public Prosecutor appearing on behalf of State. We have also perused the impugned judgment.

3. The conclusion of acquittal drawn in favour of the respondent particularly, in view of paragraphs 27, 28, 29, 31, 32 34 and 35 of the impugned judgment, appears to be reasonable and plausible based on proper appreciation of evidence. The judgment and the reasoning thereof, are not manifestly illegal or perverse to make out a case of miscarriage of justice. The judgment is impregnable as neither there is any illegality nor irregularity in the finding so recorded. Therefore, no compelling or substantial reasons for interference by this appellate Court and for grant of leave to appeal, are made out.

4. Accordingly, **I.A. No.1495 of 2024** is rejected.

5. Consequently, present appeal stands ***dismissed***.

(ROHIT ARYA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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