

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 288 OF 2024

XYZ

...Appellant

vs.

Arsalan Muniroddin Shaikh and Ors.

...Respondents

Mr.Prasad B. Kulkarni:-	Advocate for Appellant.
Mr.Ashok B. Tajane:-	Advocate for Respondent Nos.1 to 3.
Mr.Y.Y.Dabke:-	APP for Respondent No.4 – State.

CORAM : S. M. MODAK, J.

DATE : 2nd APRIL 2024

P. C. :-

1. Heard learned Advocate for the Appellant – First Informant, learned Advocate for the Respondents-Accused and learned APP.
2. The Court of Additional Sessions Judge – Solapur has acquitted these Respondents as per the judgment dated 10th April, 2017 for the offences under Sections 354, 323, 504, 506 read with Section 34 of Indian Penal Code, 1860 (“IPC”) and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act”).

3. Initially, the Appellant sought leave to prefer an Appeal. However, this Court has granted leave to convert Leave Application into an Appeal as per the order dated 28th February, 2024 and now, the matter is fixed for *'Admission'*.

4. Amongst these two Respondents, the Respondent No.1 – Arsalan Shaikh appeared for the 'Postman' examination and the Postal Department has written to the Registrar General of this Court about the charge-sheet being framed against him or not. Learned Registrar (Judicial-I) has already made a correspondence with the Senior Superintendent of Post Offices. Still, the Respondent No.1 apprehends that he will lose the job in view of the pendency of this Appeal. His learned Advocate seeks some clarification from this Court.

5. So far as the decision of Criminal Court and its proceedings are concerned, there cannot any dispute. It is a matter of record that the Respondents are acquitted by the Court of Additional Sessions Judge after full-fledged trial that is after witnesses including victim was examined. The State has not preferred an Appeal. It is no doubt true that the First-Informant is also having a right to prefer an Appeal.

6. Merely because, an Appeal is filed, it does not mean that it gets

admitted automatically. Some hearing before '*Admission*' is required.

This Court is in the process of hearing the parties at an admission stage.

It may happen that if the Appeal is admitted, further hearing will be conducted as to whether the judgment of the trial Court is correct or not. If it is not admitted, then the judgment of acquittal will be confirmed.

7. The Respondent No.1 is at liberty to point out these observations to his proposed employer.

8. In view of that, stand over to **18th April, 2024**. To be listed "**High on Board**".

[S. M. MODAK, J.]