



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

CRIMINAL APPLICATION (APPA) NO.635 OF 2022

[State of Maharashtra ..Vs.. Devidas Sudam Hatagade]

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

Court's or Judge's order

Mr M. K. Pathan, APP for Applicant/State.

CORAM : **SMT. M. S. JAWALKAR AND**
M. W. CHANDWANI, JJ.

DATE : **5th DECEMBER, 2024.**

1. Heard.
2. The State has filed an appeal against the judgment and order dated 17.03.2022, passed by the learned Additional Sessions Judge, Yavatmal in Spl. Case Child Prot. No.31 of 2015, whereby the respondent has been acquitted of the offences punishable under Section 376(2)(f)(i) of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Though the respondent was served, nobody appeared on behalf of him.
4. Having heard learned Additional Public Prosecutor for the applicant/State, we have gone through the impugned judgment and depositions. It appears from the record that the victim has supported the prosecution case. PW-5 - the Headmaster of Public School has been examined to prove the entry mentioned in School register. In spite of that the learned Trial Court

discarded the said entry on the ground that there are discrepancies in the date of birth of other students. However, the learned Trial Court did not consider the explanation given by PW-5 regarding discrepancies in the date of birth. There is version of PW-3 Dr. Sushma Gore, which depicts the injury on the internal part of vagina.

5. Considering the submission as well as the impugned judgment and depositions, we find that there is sufficient material to grant leave to file appeal. Accordingly, permission is granted.

6. The criminal application is disposed of.

CRIMINAL APPEAL (ST) NO.5010 OF 2022

7. Heard.

8. **Admit.**

9. Call record and proceedings.

10. The learned Additional Sessions Judge, Yavatmal, is directed to take action under Section 431 of the Bharatiya Nagarik Suraksha Sanhita, 2023. If, the accused is brought in pursuant to Section 431 of BNSS, he shall be released on bail on furnishing surety to the satisfaction of the learned Additional Sessions Judge, Yavatmal.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)