



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

**APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 15 OF
2025**

THE STATE OF MAHARASHTRA
VERSUS
AMOL @ BALU SUBHASH DESHMUKH AND ANOTHER

...
Mr. S. R. Wakale , APP for Appellant
...

**CORAM : NITIN B. SURYAWANSHI &
SANDIPKUMAR C. MORE, J.J.**

DATE : 10th JUNE, 2025

PER COURT :

1. This appeal filed under Section 419(1)(b) of Bharatiya Nagarik Suraksha Sanhita, 2023, challenges the judgment and order of acquittal dated 18/11/2024, passed by learned Special Judge under POCSO Act and Additional Sessions Judge, Ahmednagar, in Special Case No.49/2022.
2. Heard learned APP for State. He assailed the impugned judgment and order of acquittal stating that Trial Court has failed to appreciate the evidence on record in the proper perspective and has erred in acquitting the accused. He submits that though there is evidence of last seen together, the same is discarded by the Trial Court on the ground that it was not stated by the witnesses in their police statement.
3. With the assistance of learned APP we have perused the

impugned judgment and order of acquittal. Indisputably, the case is based on circumstantial evidence and it appears that prosecution has failed to prove complete chain of circumstances. The defence has brought on record omissions in respect of last seen together theory propounded by the prosecution. Medical evidence also does not support the prosecution's case.

4. Considering all these aspects, Trial Court is justified in acquitting the accused. We do not find any illegality or perversity in the impugned judgment and order of acquittal. Application being devoid of merit is dismissed.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)