

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2470 OF 2024
AND
APPLICATION FOR LEAVE TO APPEAL (STATE)
(ST) NO. 13245 OF 2024**

The State of Maharashtra	...Applicant
V/s.	
Irfan Rahatali Shaikh alias Kafan	...Respondent

Ms. P. P. Bhosale, APP for the Applicant-State.

CORAM : N.R. BORKAR, J.
DATE : 09.07.2025.

P.C. :

1. This is an application for condonation of delay in filing appeal by the State under Section 378 of the Criminal Procedure Code against the judgment and order dated 18.10.2023 passed by the Ld. Additional Sessions Judge, City Civil & Session Court Gr. Bombay in Criminal Appeal No. 610 of 2018, by which the learned Additional Sessions Judge has partly allowed the appeal filed by the respondent-accused against the judgment and order of conviction dated 18.08.2018, passed by the Metropolitan Magistrate, Mumbai, for the offences punishable under Sections 354 and 323 of the Indian Penal Code.

2. The prosecution case in brief as follows:

On the date of incident which took place on 24.10.2013, while the informant was returning home from the dentist, the respondent-accused approached the informant and demanded to talk to her. To which the informant refused and as a consequence, the respondent-accused started assaulting the informant with slaps on her face, misbehaved with her by touching her inappropriately and tried to kiss her.

3. The trial Court convicted the respondent-accused for the offence punishable under Sections 354 and 323 of the Indian Penal Code and sentenced him to suffer simple imprisonment for one year and one month respectively. By the impugned judgment and order, the learned Appellate Court has acquitted the respondent-accused for the offence punishable under Section 354 of the Indian Penal Code and maintained the conviction for the offence punishable under Section 323 of the Indian Penal Code. The Appellate Court, however, modified the sentence to simple imprisonment till rising of the Court.

4. I have heard the learned APP for the State and perused the judgment and order passed by the Appellate Court.

5. On the basis of evidence on record, the learned Appellate Court has concluded that, it is difficult to infer that the intention of the accused was to outrage the modesty of the victim. The learned APP submits that the said finding is perverse.

6. I have perused the evidence of the victim. The view taken by the Appellate Court appears to be possible view. In that view of the matter, there is no point in issuing notice to the respondent-accused on this application for condonation of delay, as there is no substance in the appeal. Consequently, the application for leave to appeal is dismissed. The Interim Application for condonation of delay stands disposed of.

[N.R.BORKAR, J.]