

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

**INTERIM APPLICATION NO. 4229 OF 2024
AND
APPLICATION FOR LEAVE TO APPEAL (STATE)
(ST) NO. 21121 OF 2024**

The State of Maharashtra ...Applicant

V/s.

Prabhakar Sudam Bhosale ...Respondent

Mr. B. B. Kulkarni, 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 an appeal by the State under Section 378 of the Criminal Procedure Code against the judgment and order dated 01.04.2024 passed by the Learned Judicial Magistrate First Class in Regular Criminal Case No. 33 of 2016 by which the learned Magistrate has acquitted the respondent/accused of the offences punishable under Sections 354(d) and 509 of the Indian Penal Code.

2. The prosecution case in brief is as follows:

On the date of incident which took place on 10.12.2015, at about 11:50 am, the victim was walking on Raygaon service road. At that time, a White Alto Car bearing No. MH-11-BV-2542 driven by the accused, halted beside the victim. Thereafter, the accused rolled down the car window and stared at the victim in an offensive manner. He then told her to get in the car and that the car is stopped only for her.

3. I have heard learned APP for the State and perused the impugned judgment and order.

4. The trial Court has recorded the finding that the accused was not known to the victim. He was arrested on the basis of statement to the police by the owner of the car. The trial Court has held that the prosecution has failed to prove the case beyond reasonable doubt, as the prosecution has not examined the owner of the car. I do not see any perversity in the said finding. As there is no substance in the appeal, there is no point in issuing notice to the respondent-accused on this application for condonation of

delay. Consequently, the application for leave to appeal is dismissed. The Interim Application for condonation of delay stands disposed of.

[N.R.BORKAR, J.]