

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

LEAVE TO APPEAL (ALS) NO. 55 OF 2025

The State of Maharashtra

.... Applicant

V/s.

Prakash Bhanudas Bhadarge and anr.

.... Respondents

Mr. S.R. Agarkar, APP for the Applicant – State.

Mr. Niwas Shinde, PSI, Vashi Police Station, present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATED : 04th NOVEMBER, 2025

P.C. :-

. Heard learned Additional Public Prosecutor Mr. Agarkar and perused the impugned judgment in Special Case No.323/2023 by which the Additional Sessions Judge, Belapur has acquitted the Respondent No.1/ Accused of the charge of committing sexual assault on his own daughter inviting the provisions of Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2) We had an opportunity to peruse the evidence on record including the evidence of the mother as well as the doctor who have deposed that on examination, there was a hymenal tear at 6 o'clock position which goes to establish that she was subjected to sexual assault.

3) Since the Court had appreciated the evidence and found lacunae

in the prosecution case and did not find it to be the truthful version establishing sexual assault, it resulted in acquittal of the accused. However, on examination of the evidence, we are of the view that the matter deserves to be admitted and for this purpose, we grant the leave as prayed for by Criminal Application (ALS) No.55/2025.

Upon the leave being granted, the Appeal is directed to be registered and listed for hearing on 17/11/2025.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

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