

1 HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE

M.Cr.C. No.2174/2017

State of M.P. vs. Rahul S/o Jaswant Kewat

31/01/2018 :-

Shri Bhuwan Goutam, learned Government Advocate for the petitioner/State.

Shri Vishal Pawar, learned counsel for the respondent.

ORDER

Heard on **IA No.8681/2017**, an application for condonation of delay of 38 days in filing the application for grant of leave to appeal.

2. On due consideration of the cause shown in the application, we condone the delay of 38 days in filing the application for grant of leave to appeal by allowing **IA No.8681/2017**.

3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) of Cr.P.C., 1973.

4. This is an application for grant of leave to appeal under Section 378 (3) of Cr.P.C., 1973 has been filed against the judgment of acquittal dated 17/10/2016 passed by I ASJ, Shajapur in S.T. No.16/2016 whereby the learned trial Court acquitted the respondent - Rahul for an offence punishable under Sections 363, 366-A, 376(2)(N) of IPC and Section 5-L/6 of Protection of Children from Sexual Offences Act, 2012.

5. Considering the statements of mother and father of the prosecutrix and the scholar register wherein the date of birth of the prosecutrix was mentioned as 25/07/2000, i.e. at the time

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of occurrence of incident, she was below 16 years of age, we are of the view that it is a fit case in which permission for grant of leave to appeal can be allowed, meaning thereby, the matter has to be admitted for final hearing. Accordingly, application filed by the applicant under Section 378 (3) of Cr.P.C. is allowed and permission for grant of leave to appeal is granted.

6. Office is directed to register it as criminal appeal.

7. Appeal filed as a consequence of this order be registered and proceeded as per rules, as admitted.

8. On payment of requisite process-fee, Office is directed to issue bailable warrant of Rs.10,000/- be issued for securing the presence of respondent – **Rahul S/o Jaswant Kewat** before this Court on **02/07/2018**. He is also directed to furnish a bail bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the CJM/Trial Court for his appearance before the Registry/Office of this Court on **02/07/2018** and on all other subsequent dates as may be fixed by the Office in this behalf.

9. With the aforesaid, **M.Cr.C. No.2174/2017** stands allowed and disposed of. C.C. as per rules.

(P.K. Jaiswal)
Judge

(Virender Singh)
Judge

Aiyer*

Jagdishan
Aiyer

Digitally signed by Jagdishan Aiyer
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