

ITEM NO.801 Court No.1 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 2286/2021

(Arising out of impugned final judgment and order dated 19-01-2021 in CRLA No. 161/2020 passed by the High Court Of Judicature At Bombay At Nagpur)

ATTORNEY GENERAL FOR INDIA Petitioner(s)

VERSUS

SATISH & ANR. Respondent(s)

Date : 27-01-2021 This petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. K.K. Venugopal, Ld. AG
Mr. Ankur Talwar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Mr. K. K. Venugopal, learned Attorney General for India, made a mention, bringing to our notice a judgment dated 19.01.2021 passed by the High Court of Judicature at Bombay, Nagpur Bench, in Criminal Appeal No.161/2020 wherein the High Court has apparently acquitted the accused under Section 8 of the POCSO Act, 2012 on the ground that the accused had no sexual intent in committing the offence under POCSO Act because there was no direct physical contact, i.e., skin to skin.

Mr. Venugopal, learned Attorney General, submitted that the judgment in question is likely to set a dangerous precedent.

In view of what is stated, we permit the learned Attorney General to file an appropriate petition against the said judgment.

In the meantime, we stay the acquittal of the accused in Criminal Appeal No.161/2020 in respect of the offence under section 8 of the POCSO Act.

Issue notice to the accused and the State of Maharashtra returnable two weeks.

Order accordingly.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR