

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 87 OF 2014

The State of Maharashtra	..	Applicant
vs.		
Anand Gangaram Kasar	...	Respondent

Mr. Sachin Deokar i/b. Mr. A.S.Rao, Advocate for the applicant
Mr.D.P.Adsule, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 8th January, 2015.

P.C.

Heard. The State being aggrieved by the judgment and order passed by the Judicial Magistrate, First Class, Khed, in Summary Criminal Case No.44 of 2011 dated 8.1.2014, thereby acquitting the respondent of the offence punishable under Section 354 of Indian Penal Code has filed this application seeking leave to appeal.

2. It is the case of the prosecution that on 27.1.2011, the prosecutrix had been to the bank of river for washing clothes. At about 11.30 a.m., the present respondent is alleged to have met her on the way and touched her inappropriately. She ran away to her house. She had disclosed about the incident to her sister-in-

law. After due deliberations and discussions, the FIR was lodged at the police station on the basis of which C.R. No. 12 of 2011 was registered against the respondent for the offence punishable under Section 354 of IPC.

3. Upon perusal of the substantive evidence of the prosecutrix, it is clear that the oral report was not lodged by the prosecutrix. She has specifically deposed before the Court that she is acquainted with Shraddha Darekar, who happens to be an active worker of a political party. That the cousin of the present respondent happens to be the Sarpanch of the village. The cousin had defected from one party and had joined another. There was rivalry between both the political parties. The complainant has specifically alleged that it was Shraddha Darekar who had lodged the report at the police station and that the complainant had only endorsed the same with her thumb mark. There is nothing on record to indicate that the complainant had disclosed about the incident to Shraddha Darekar or had requested her to lodge report. The complainant has specifically stated that had it not been for Shraddha Darekar, she had no intention to initiate prosecution against the present respondent. The learned Magistrate has appreciated the substantive evidence of the witnesses in its proper perspective and has accorded justifiable reasons for recording acquittal in favour of the accused. The reasons assigned by the learned Magistrate do not call for

any interference.

4. Hence, the application seeking leave to appeal is rejected.

(SMT.SADHANA S.JADHAV, J.)