

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 28 OF 2016

**(Arun s/o Govind Lokhande Vs. The State of Maharashtra
and others)**

Mr. Nirmal R. Dayama, Advocate for the appellant
Mr. A.R. Kale, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 29/01/2016

ORAL ORDER :

1. Heard learned counsel for the appellant.
2. Aggrieved by the recording of acquittal of respondents No. 2 and 3 from the offences punishable under section 363, 366 read with section 34 of the I.P. Code, the original complainant has preferred the present appeal.
3. The prosecution case would show that the appellant's daughter i.e. the victim was admittedly 21 years old at the time of occurrence. When she went missing on 13th August, 2012, present appellant filed complaint with the police station. Thereafter, the victim returned on 17th September, 2012, at his house.

According to the prosecution, she was in a frightened condition and in depressed state of mind. She disclosed to the appellant that as both the respondents No. 2 and 3 had given false promise, she accompanied them to Khamgaon and therefrom, respondent No. 3 Deelip i.e. father of respondent No. 2 Ganesh returned. During the said period, she was staying in a rented room with respondent No. 2 Ganesh at Khamgaon. When she came to know about his bad intention, she returned to home without telling him.

. During trial, however, the victim developed a story that as a chocolate was given to her by respondent No. 2 at the bus stand, she accompanied him at Khamgaon and thereat, she was confined in a room and the threats were issued to her that in case she would not marry with respondent No. 2, he would kill her and her father.

. In view of these facts, the learned Sessions Judge, finding the vast improvements in the prosecution case, as detailed hereinabove, acquitted the respondents No. 2 and 3.

4. Upon hearing learned counsel for the appellant, in my view, the learned Additional Sessions Judge has

taken reasonable and probable view of the material placed before him. In the circumstances, I do not find any merit in the appeal. The criminal appeal is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

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