

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 33 OF 2003

Hemlata d/o Ramrao Jadhav,
Age: 33 years, Occu: Household,
R/o. C/o. Chandabai Kale Dadarao Plot
Near Shivaji Nagar, Parbhani,
Tq. & Dist. Parbhani

...Applicant

versus

1. Nagnath s/o Gangayya Aralkar,
Age: 52 years, Occu: Service,
R/o Vivek Nagar, Parbhani,
Tq. & Dist. Parbhani

2. The State of Maharashtra

...Respondents

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None for the applicant

Mr. Satej S. Jadhav, Advocate for respondent No. 1

Ms. R. P. Gaur, A.P.P. for respondent No. 2

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CORAM : N.W. SAMBRE, J.

DATE : 2nd APRIL, 2016

ORAL JUDGMENT :

This is part heard matter. When the matter is called out for hearing, none appears for the applicant.

2. With the assistance of learned Counsel for the respondent No.1 and learned A.P.P. for respondent No.2, this Court proceeded to decide the revision application, which is against the

judgment of acquittal, delivered by learned Sessions Judge, Parbhani acquitting respondent No.1 of the offence punishable under Sections 376, 384 and 506 of the Indian Penal Code, on 09/10/2002.

3. Heard at length the learned Counsel for respondent No.1 and learned A.P.P. for respondent No. 2.

4. It appears that present respondent No. 1 was charged with the offence punishable under Sections 376, 384 and 506 of the Indian Penal Code. The prosecution story that on 10/07/2000 the complaint came to be lodged by the victim claiming that in 1991 she was serving as teacher in the school of which respondent No.1 was Secretary. Respondent No.1, in 1993, represented her that she will be appointed as teacher and financially and socially exploited her. The complaint was lodged at Exhibit-18. After it was reduced into writing, the offence came to be registered against respondent No.1 for the offence punishable under Section 376, 384 and 506 of the Indian Penal Code.

5. After the case was committed to the Sessions Court, the charge was framed against the accused at Exhibit-6 and having pleaded not guilty, trial was set in motion.

6. PW-1 Hemlata Ramrao Jadhav deposed in support of the complaint. She narrated as regards conduct of the accused of demanding money and sexual flavour in exchange of promise of employment to her. Learned Sessions Court noted that the said witness/complainant was unable to disclose details of place/lodge in which she had been with the accused at Pune. The Sessions Court then proceeded to consider the victim being an educated lady, it was expected of her to narrate various details.

7. The Sessions Court then noted that there was substantial delay in lodging the F.I.R. which was also not explained. It was also noted by learned Sessions Court that, the victim though paid Rs.80,000/- to the accused, but the source thereof was also not established. Exhibit-20, compromise in between the complainant and accused is taken on record for the purpose of inferring that the amount as was claimed was not paid. In support of the prosecution story, PW-2 Ramprasad Dabhade was examined. However, it appears that said Ramprasad Dabhade has not supported the story of victim in its entirety. There are certain important omissions as regards payment of money and narration of incident.

8. Learned Sessions Judge considered the evidence in its entirety, evaluated the same and has given verdict of acquittal.

9. Having gone through the same, in my opinion, having regard to the scope of revision in the matter of acquittal, no case for interference is made out. The revision application lacks merit, fails and stands dismissed.

Sd/-
[**N.W. SAMBRE, J.**]