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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.27 OF 2015

The State of Maharashtra … Applicant
V/s.
Sandip Madhukar Patil …. Respondent

Mrs. A. S. Pai, APP for the Applicant State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 28th NOVEMBER, 2016.

P.C. :

1. Heard learned APP for the State.

2. Application is filed seeking leave to file appeal against the judgment and order dated 28.07.2014, in Sessions Case No.3 of 2014, by the learned Additional Sessions Judge, Gadhinglaj, District: Kolhapur. By the said judgment and order, respondent has been acquitted of the offence punishable under Sections 376 and 420 of the Indian Penal Code.

3. The evidence of prosecutrix P.W.1 discloses that she was 20 years old at the time of incident. Respondent was 21 years old. Her evidence further discloses that prosecutrix and respondent were in love relations. F.I.R. came to be filed as respondent refused to marry her. The

learned Additional Sessions Judge having considered the said evidence of prosecutrix concluded that the prosecutrix was major at the relevant time and intercourse between her and accused was not forcible. Both of them were keeping on physical relations as they were in love with each other. Therefore, offence under Section 376 of IPC is not made out.

4. So far as offence under Section 420 of IPC is concerned, the learned Sessions Judge has observed that there was no intention on the part of respondent to cheat the prosecutrix. The conclusion arrived at by learned Sessions Judge, is on the basis of evidence on record.

5. Taking into consideration the facts and circumstances, we find that the view taken by the learned Additional Sessions Judge is possible and there is no justification in interfering in the impugned order. The application, therefore, is dismissed.

[DR. SHALINI PHANSALKAR JOSHI, J.] **[RANJIT MORE,J.]**