

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.61 OF 2017

The State of Maharashtra Petitioner

versus

Uday @ Rahul Laxman Nangare & Ors. ... Respondents

.....

- Mrs.M.M. Deshmukh, APP for the State/Respondent.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 01st JULY, 2017.

P.C. :

1. The petitioner/State being aggrieved by the order of acquittal of the respondent dated 17/02/2017 in Sessions Case No.148/10 for the offences punishable u/s 363, 366(A), 376 r/w 34 of the Indian Penal Code, passed by the Additional Sessions Judge, Kolhapur, has approached this Court for leave to appeal against the impugned order.

2. The learned Sessions Judge appreciated evidence on the record and held that the prosecution has failed to prove that the respondents in furtherance of their common intention kidnapped the

prosecutrix without consent of her parents. The learned Judge also held that the prosecution has failed to prove that the respondent had enticed the prosecutrix to go at Vishalgad and Hotel Jungal Resort at Amba with the intention/knowledge that, the prosecutrix will be forced to illicit intercourse with the respondent No.1/accused No.1.

3. It was further held that the prosecution could not prove that the respondent No.1/accused No.1 committed rape on the prosecutrix. The learned Judge also held that though there is evidence on record that the prosecutrix was engaged in love affair with the respondent No.1, there is nothing on record to prove that there was enticement of any kind. The learned Judge ultimately held that there is nothing on record to establish inducement on the part of the accused against the prosecutrix.

4. The findings arrived at by the learned Judge are supported by the cogent reasons. The view taken by the learned Sessions Judge therefore is possible. We are therefore not inclined to entertain the application and the same is dismissed.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)