

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.678/2016
IN
CRIMINAL APPEAL NO. _____/2015

Smt. Rakhi W/o Janak Chaubey

..Vs..

The State of Maharashtra, through Police Station Officer, Police Station,
Kalamna, Distt. Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Amit Kukday, Adv. for the applicant (appointed).
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 11.7.2017.

Heard.

The original complainant / prosecutrix seeks leave as per Section 372 of the Code of Criminal Procedure to file appeal to challenge the judgment passed by the Sessions Court by which the accused is acquitted of the charge for the offence punishable under Sections 376(2)(a)(i) and 506 of the Indian Penal Code.

With the assistance of the learned Advocate who represented the applicant / appellant and the learned A.P.P. I have examined the matter.

The facts on record show that the accused and husband of complainant / prosecutrix were acquainted with each other, that the wife of present accused lodged a complaint on 27th December, 2013 that the husband of

present complainant outraged her modesty and after that the present prosecutrix lodged the complaint on 21st January, 2014 against the accused/ respondent.

In paragraph No.20 of the impugned judgment it is recorded that the room, where the crime is alleged to have been committed, was admeasuring 8 feet x 7 feet and 4 children of the prosecutrix were sleeping in the room. The learned Additional Sessions Judge further recorded that the room, where the offence is alleged to have been committed, is located in a thickly populated area.

In my view, it cannot be said that the conclusions of the learned Additional Sessions Judge suffer from illegality or perversity. The prayer made by the applicant for grant of leave to file appeal under Section 372 of the Code of Criminal Procedure does not require consideration in the facts of the case. The prayer is rejected. Consequently, the appeal is rejected.

The fees of Shri Amit Kukday, Advocate appointed to represent the applicant / appellant, is quantified at Rs.5,000/- (Rs. Five Thousand).

JUDGE