

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 76 OF 2017

Amruta Nandkumar Kshirsagar ..Appellant
Vs.
The State of Maharashtra and Another ..Respondents

Mr. P. G. Sarda, for the Appellant.

Mrs. S. V. Sonawane, APP, for Respondent No.1.State.

Mr. Nitesh J. Mohite I/b Mr. J. D. Mane, for Respondent No.2.

CORAM:-**B.R.GAVAI & B. P. COLABAWALLA, JJ.**
DATE :- **JANUARY 16, 2018.**

P. C.:

The present application seeks leave to file an Appeal against the order passed by the learned Additional Sessions Judge, Solapur dated 1st April, 2016 thereby acquitting the accused for the offences punishable under Sections 376, 328 and 506 of the Indian Penal Code.

2 Mr. Sarda, the learned advocate for the Appellant the

submits that, the learned trial Judge grossly erred in acquitting accused. He submits that, though the evidence of the prosecutrix was sufficient enough to convict the accused, the learned trial Judge has acquitted him.

3 The scope of interference in an Appeal against acquittal is very limited. Unless the findings are found to be perverse or impossible, it is not permissible for this Court to interfere with the finding of acquittal.

4 The perusal of the evidence of prosecutrix itself would reveal that the first incident of alleged forcible intercourse has taken place on 12th April, 2014. Not only that, but her evidence would also show that thereafter the accused and the prosecutrix went to various places and stayed together.

5 The learned trial Judge has found that the accused at the time of the incident was 27 years old. She was a practicing Advocate and she knew what was right and wrong for her. The learned trial Judge from the perusal of the evidence found that the act, if any, was with the consent of the prosecutrix and as such the

case for the offence punishable under Section 376 was not made out. No fault can be found with the findings of the learned trial Court. The application is rejected.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)