

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

CRIMINAL APPLICATION (APPA) NO.510 OF 2018

IN

CRIMINAL APPEAL NO. OF 2018

(SARIKA DEORAO KHAPARKAR (SARIKA KAILASH KALE)..VS..KISHOR ANANTRAO KOSHATWAR & ANR.)

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

Court's or Judge's orders

Shri M.P.Kariya, Advocate for Applicant/Appellant.
 Shri H.D.Dube, A.P.P. for Respondent No.1/State.
 Shri S.G.Deshpande, Adv. H/f. Shri A.C.Jaltare, Adv. For Resp. No.2.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 19, 2018.

Heard.

2. On complaint lodged by the applicant/ appellant, the non-applicant/respondent No.1 is prosecuted for the offences punishable under Sections 354 and 506 of the Indian Penal Code. The non-applicant/ respondent No.1 is acquitted by the impugned judgment.

Being dissatisfied with the acquittal of the non-applicant/respondent No.1, the complainant has filed appeal before this Court and seeks leave to file and prosecute the appeal.

3. With the assistance of the learned advocate for the applicant and the learned A.P.P. for the non-applicant/ respondent No.1/State, I have gone through the notes of evidence and the impugned judgment. I find that the conclusions of the learned Magistrate recorded in paragraph Nos.12 and 13 of the impugned judgment are based on

proper appreciation of the evidence on record. There is some enmity between the complainant and the accused and earlier on 29th June 2012, the complainant had lodged complaint against the accused on the basis of which the accused was prosecuted for the offence punishable under Section 376 of the Indian Penal Code. After trial, the accused is acquitted in that matter also. The learned Magistrate has recorded that the facts of earlier prosecution showed that the complainant as well as accused had been in employment of Zilla Parishad, initially the complainant had lodged complaint about the incident with the employer and a committee was constituted by Zilla Parishad to inquire about her complaint and statements of P.V.Gavande, V.K. Khobragade, B.N. Raut, N.U.Bhagat, and Sarde were recorded and the Committee had given report against the complainant. The learned Magistrate has recorded that the alleged incident, according to the complainant, had taken place at a spot which was near the residence of Cabinet Minister and at the time of the alleged incident there was heavy police *bandobast* in that area.

As I find that the learned Magistrate has delved into all the relevant aspects and the learned advocate for the applicant/ appellant has not been able to point out any illegality or perversity in the appreciation of evidence on record by the learned Magistrate, I see no reason to grant the prayer seeking leave to file appeal.

4. The prayer for grant of leave to file appeal is **rejected**. Consequently, the appeal is **rejected**.

JUDGE