

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

CRIMINAL APPEAL NO.957 of 2022

XYZ

Age – 25 years, Occu. Nil,
R/o. Anandwalli, Gangapur Road,
Nashik, Tal. & Dist.Nashik
Presently C/o. Bhausahab AbamjiKhetmali
R/o.Jamgaon, Tal.Gangapur,
Dist.Aurangabad Appellant (Ori.Complainant)

Versus

1. The State of Maharashtra
Gangapur Police Station Officer
Gangapur Police Station
Tal. & Dist. Nashik

2. Mr. Ashok Haribhau Jadhav
Age-57 yrs.,

3. Mrs. Pramila Ashok Jadhav
Age-48yrs

4. Mr Akash Ashok Jadhav
Age-28 yrs.,
No.2 to 4 All residents of
Harishchandra Bunglow, Anandvalli,
Gangapur road, Nashik
(Respondent No.1 Copy to be served on P.P.
High Court of Judicature of Bombay) ..Respondent.

Mr Ajinkya Taskar i/b Advocate Narayan G. Rokade for
appellant.

Smt. MH Mhatre, APP for State.

Mr Akshay Bankapur for Respondents No.2 to 4.

Coram : R.N.Laddha,J.

Date : 10 November 2023.

Judgment :

Leave to amend so as to replace the name of the appellant with the alphabet 'XYZ'. Amendment to be carried out forthwith.

2. This Appeal is directed against the Judgment and Order passed by the learned Additional Sessions Judge, Nashik, in Sessions Case No.13 of 2020, on 8.2.2021, whereby the accused/respondents came to be acquitted of the offence punishable under Sections 376(2)(f)(n), 324, 504, 506 read with 34 of the Indian Penal Code (for short 'IPC').

3. It is the case of the prosecution that the victim married accused No.3/respondent No.4 on 13.4.018 at Jamgaon. She moved to her husband's house in Anandvali, Nashik, after the wedding. The accused lived in a large family of 18 members. Accused No.1, the victim's father-in-law, would take her out at night for practice to ride the motorcycle and used to touch her inappropriately. She told her husband/respondent No.4 about this, but he did not care.

4. On 10.2.2019, around 1.30 p.m. when she was cleaning her bedroom, her father-in-law/accused no.1 came from the backside, closed the door and committed rape on her. He then warned her not to disclose about it. He raped her again on 6.3.2019 at 12.30 p.m. On 18.3.2019, she had a toothache and requested her husband to take her to a doctor, but he ignored her. She told her mother-in-law/accused No.2 (respondent No.3), who informed accused No.1. He drove her in an Innova car, No.MH-15-DL-1088 and stopped at an open space near Chandak Circle. Instead of taking her to a doctor, he raped her in the car. She told her husband and mother-in-law what happened when she came back. Accused No.2 got angry and beat her, doubting her character.

5. On the occasion of Raksha-bandhan, the father of the victim visited her matrimonial home to take her to Aurangabad. She told her parents about the abuse and torture she had endured and filed a complaint before the Gangapur police station. Accordingly, crime vide CR No.368 of 2019 for the offence punishable under the aforesaid sections of the IPC came to be registered against the accused persons.

6. After finding the complicity of the accused a charge

sheet came to be filed against the accused. The charge was framed against the accused for the offence punishable under Section 376(2)(f)(n), 498-A, 324, 504, 506 r/w 34 IPC, to which they pleaded not guilty and claimed for trial. During the course of the trial, the learned trial Court recorded the evidence of the victim (PW 1) and her father (PW 2).

7. After appraisal of the evidence and the material on record, the learned trial Court acquitted all the accused. Being aggrieved and dissatisfied with the impugned judgment of acquittal, the complainant/victim has preferred this appeal.

8. Upon perusal of the record, it reveals that, the victim contradicted the incident and the prosecution case in all essential aspects during the evidence. She denied the contents of the FIR. She said that she filed a complaint against the accused in anger after a minor dispute with her husband. She was unaware of what the FIR stated and had not read it. The medical evidence also does not support the prosecution. The other documentary evidence is not helpful for the prosecution's case, as the victim did not corroborate it.

9. Additionally, it reveals from the record that on 6.2.2021, the testimony of the prosecution witnesses, including the

complainant/victim, was recorded, but she did not support the prosecution's case. She also did not make any complaint, contrary to what the learned Counsel for the appellant claimed to indicate that she was coerced to testify in the trial Court. The present appeal does not mention anything to support the claim of pressuring the victim to testify.

10. In such circumstances, the trial Court has rightly acquitted the accused for the offence they were charged and tried. As a result, this appeal fails and is hereby dismissed.

[R.N.Laddha, J.]