



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 554 OF 2024

XYZ

..APPELLANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. H.P. Randhir, Advocate for appellant
Ms. U.S. Bhosle, A.P.P. for respondent no.1 - State
....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 06th SEPTEMBER, 2024

PER COURT :

1. This is an appeal against acquittal. Respondent No.2 was charge-sheeted for the offences punishable under Sections 363, 366 and 376 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act. Learned Special Judge, Nandurbar, vide judgment and order dated 06th June, 2023 in Special Case No. 3 of 2021 acquitted Respondent No.2 of the aforesaid offences.

2. Heard learned counsel for the appellant.

3. We have gone through the evidence on record which is made available by learned counsel for the appellant. From the testimony of the

prosecutrix, who was examined as P.W.1, it is seen that Respondent No.2 and she were related and knowing each other. Her testimony further indicate that their relations were consensual. She was confronted with her statement, recorded under Section 164 of Code of Criminal Procedure, wherein she stated Respondent No.2 never compelled her for sexual relations. The evidence of prosecutrix indicates that she willingly joined the company of Respondent No.2. Even though, the prosecution examined the Secretary/ Gramsevak of the village panchayat to show the entry of her date of birth which was not made during his tenure, in view of testimony of prosecutrix and in our considered view no other view is possible than the one arrived at by the learned trial Court. In this view of the matter, we see no case to entertain the appeal and hence the order :-

Criminal appeal stands dismissed.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD