



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 149 OF 2019

State of Maharashtra

..APPLICANT

VERSUS

1. Vijay Ramesh Taral
2. Ramdhan Pundlik Taral
3. Samadhan Govind Kale
4. Gajanan Bhagwan Taral

..RESPONDENTS

Ms. U.S. Bhosale, A.P.P. for applicant - State

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CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 02nd JANUARY, 2024

PER COURT :

1. We have heard learned A.P.P. at length and also perused the evidence of victim.

2. The incident took place on 25th May, 2014. The victim was emotionally involved with P.W.2 – Jitendra. Both had decided to visit Aamsari at village Fardapur for *devdarshan*. The victim, therefore, went to Fardapur. Jitendra came there by 09:30 a.m. She joined him. Then both of them went to Aamsari to take *devdarshan* in a temple on the hill. It is further her case that Jitendra went aside to answer nature's call. Four unknown persons (respondents) came to the victim and enquired about her identity

and whether she was married. Those four claimed to be the officers of Forest Department. They also threatened her of making their affair public. She, therefore, went to Jitendra. The respondents (accused) followed them. They threatened and beat them up. Thereafter, all the four committed rape of the victim and recorded video in the mobile.

3. The trial Court acquitted the respondents on the ground of there being delay of a month in lodging of the F.I.R. The explanation for the delay is said to be the victim and Jitendra to have been threatened by the respondents. The alleged video of the victim and Jitendra to have been together was not placed before the trial Court. The reasons given for acquittal find place in paragraph no. 26 of the judgment of the trial Court. Same is reproduced as below :-

“26. It is pertinent to note that the victim had given the description of accused persons at the time of lodging report after one month of the incident. Till that time, she had not lodged report against accused persons nor Jitendra lodged report. Her evidence shows that she lodged report after 15 days when she came to know about her video clip. Thereafter discussion was held in her family to lodge report against accused persons. However, she had not seen video clip personally neither P.W.2 Jitendra had seen it. Victim had gone with P.W.2 Jitendra to Aamsari without informing her family. The evidence further shows that when she visited Aamsari there was fair and the people from different villages were present near the temple. It appears

that after the incident, victim went to her sister's house but did not disclose the incident to her sister. On next day, she returned her house. Thereafter also she did not disclose the incident to her mother or other near relatives. Her evidence shows that 8 days after the incident Dnyaneshwar visited her house and informed her parents about video shooting in respect of the victim. Her parents convinced her, when she disclosed the incident to her parents. Thus, the evidence shows that after 8 days of the incident victim came to know that video clip about incident was viral."

4. We are in agreement with the aforesaid reasons for acquitting the respondents herein. We, therefore, do not find it a fit case to grant the State leave to appeal. In view of the same, application stands dismissed.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

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