

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1086 OF 2023**

ABC

.....Appellant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Priyal Sarda a/w Adv. Shubham Sane for the Appellant.

Mrs. A.A. Takalkar APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 20th MARCH, 2024.

PC:-

1) This is an Appeal under Section 372 of the Code of Criminal Procedure, by the victim, against the Judgment and Order dated 12th June, 2023 passed by the learned Sessions Judge, Solapur in Sessions Case No.141 of 2020, acquitting the Respondent No.2 for the offence punishable under Section 376 of the Indian Penal Code.

2) At the outset, it is to be noted here that, the alleged last assault was committed by the Respondent No.2 in the year 2012 and after a lapse of about 10 years present crime is registered by the Appellant. Perusal of evidence on record clearly indicates that, at the time of alleged commission of offence between the year 2010 to 2012, the Appellant was major and was able to understand the pros and cons of life. It further indicates that, initially the Appellant paid Rs.5,000/- to the Respondent No.2 for seeking permanency in the school as a teacher and thereafter their relations blossomed into an affair. The relations between the Appellant and the

Respondent No.2 were consensual in nature and subsequently when the Respondent No.2 decided to marry with another girl, their relations were strained. The Respondent No.2 on few occasions also paid certain amounts to the Appellant and when he stopped paying further money to her, she has lodged present crime against the Respondent No.2.

3) PW. No.3, the father of Appellant has deposed altogether different story and there is no corroboration to the fact that the Respondent No.2 took any undue advantage of the situation thereby committing an offence under Section 376 of the Indian Penal Code against the Appellant.

4) The trial Court has recorded a finding that, the Appellant has given a sham version of the facts and her version is not trustworthy. After perusing the entire evidence on record, we are of the considered opinion that, the view expressed by the trial Court is a probable view in the facts and circumstances of present case and no second opinion about it can be expressed.

5) According to us, there are no errors, either in law or on facts committed by the learned trial Court.

6) Appeal being dehorse of merits is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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