



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 265 OF 2025

X Y Z

.. Appellant
(Complainant)

VERSUS

1. The State of Maharashtra

2. Pradeep @ Sonya Rambhau Yewale,
Age : 29 Years, Occ. Labour,
R/o. Dighol Deshmukh, Tq. Renapur,
District Beed.

.. Respondents

...
Advocate for Appellant : Mr. M L Dharashive
APP for Respondent/State: Mr. S.R. Yadav Lonikar
...

CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.

DATED : 23rd JULY 2025

ORDER:-

1. By this appeal under Section 372 (2) of the Code of Criminal Procedure, the victim challenges the judgment and order of acquittal passed by learned Sessions Judge, Latur in Sessions Case No. 140 of 2022.

2. The accused was charged for commission of offence under Sections 376, 354, 354(A), 354(B), 354(D), 452, 506 of the Indian Penal Code. It is prosecution's case that before two years of lodging of the F.I.R., on the day of Dasara Festival at 2.00 p.m. while victim

was going to her field, the accused came from behind and told her to come in the field with him. He dragged her in river and the accused committed rape on her. She tried to raise hue and cry, but he gagged her mouth. Accused threatened her that if she disclosed the incident to anybody, he will kill her son and daughter. Therefore, she did not disclose the incident to anybody. Thereafter, on the next day of Gudipadwa of 2021 at 12.00 o'clock, while she was going to her field, the accused came from backside and embraced her and scuffled with her. As she shouted for help, the accused ran away from there.

3. On 19.08.2021 at 12.00 o'clock, when the victim was seating at the door of her house, accused came from behind, pressed her mouth and dragged her inside the house. He told her that he wants to have sexual intercourse with her. She consented for it, and while going in the house she shouted as such her nephew Parmeshwar Bhise came there. By seeing him, accused ran away. The victim therefore, lodged the F.I.R. which was registered as Crime No. 364 of 2021.

4. In support of its case, prosecution has examined five witnesses. The trial Court on appreciation of their evidence, acquitted the accused.

5. Heard learned counsel for the appellant and learned A.P.P. for the respondent/ State and perused the documents placed on record

and impugned judgment.

6. Record reveals that, victim in her cross-examination has admitted that her house is known as ‘ Bhise Wada’ and there are 20 members residing in her house. Twenty to Twenty five houses are situated around her house. She also admitted that there was discussion in her village that she and the accused are having close relations with each other. Her nephew Parmeshwar Bhise has not supported the prosecution case. At no point of time after the first incident of the rape, the victim has raised hue and cry, and not disclosed the said incident to anybody. She has not disclosed the second incident also to anybody. It is clear from the evidence of the victim that she was the consenting party. Victim’s evidence does not inspire confidence. There is no medical evidence supporting the allegations of the prosecution.

7. Trial Court has properly appreciated the evidence, and has acquitted the accused by assigning cogent reasons. There is no illegality or perversity in the judgment of the trial Court. The appeal being devoid of merits stands dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE