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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.421 OF 2025

XYZ

APPELLANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Shrikant B. Madde, Advocate for the Appellant
Mr. S. R. Yadav Lonikar, APP for Respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, &
SANDIPKUMAR C. MORE, J. J.]

DATE : 5th AUGUST, 2025

ORDER :

1. By this Appeal, the Appellant - victim challenges impugned judgment and order dated 11th March, 2025 passed by the learned Special Judge, Ahmedpur, District - Latur in Special Case (Atrocity) No. 29 of 2024), thereby acquitting the Respondent-Accused.

2. It is the case of the prosecution that the victim is aged about 30 years and she is residing separately from her husband at Shindgi (Kh) since long. She is having two children. On 14th October, 2024, at about 12.30 hours, while the victim was sitting under a tree in the field of her father, Accused Pramod came there and forcibly made her to sit on his motorcycle and when

she tried to shout, he pressed her mouth and took her towards Gangakhed Road. At about 7.00 p.m., Accused stopped his motorcycle at the shed located prior to Gangakhed and committed rape on her. Then he took her on his motorcycle to Latur. Accused Mangesh came at Latur on his four wheeler and forced her to sit in the four wheeler. Accused Mangesh and Pramod abused her in the name of caste and assaulted her with kick and fist blows. They threw her mobile and brought her to Ahmedpur. Accused Mangesh called Anusayabai and Sonu, brother in law of Accused Pramod. Anusayabai and Sonu caught hold of her hair and gave her kick blows and assaulted her with chappal. Accused Mangesh also threatened to kill her entire family.

3. In support of its case, the Prosecution examined 5 witnesses. Trial Court, after appreciation of the evidence, acquitted the Accused. Hence, the present Appeal.

4. Heard learned Advocate for the Appellant and learned APP for the State. Perused the record.

5. Learned Advocate for the Appellant assailed the impugned judgment and order of acquittal, contending that the Trial Court has failed to appreciate the evidence in the proper perspective. The evidence of the victim is sufficient to convict the Accused.

The Trial Court has erroneously acquitted the Accused.

6. Learned APP, on the other hand, pointed out the observations of the Trial Court, in support of the acquittal of the Accused.

7. Perusal of the record indicates that the evidence of the victim is not reliable. There are contradictions in her evidence and in her statement recorded under section 164 of the Criminal Procedure Code (Exhibit-53). Medical evidence also does not support the prosecution case. The Trial Court has properly appreciated the evidence and has recorded cogent reasons in support of the acquittal. We do not find any illegality or perversity in the impugned judgment and order. The Appeal being devoid of merit, is dismissed.

[SANDIPKUMAR C. MORE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE