

The State of Madhya Pradesh Vs. Dinesh Soni

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Court : Madhya Pradesh

Decided On : Sep-20-2013

Appellant : The State of Madhya Pradesh

Respondent : Dinesh Soni

Judgement :

M.Cr.C.No.7449/2013 20.9.13 Per B.D.Rathi,J Shri Yogesh Dhande, learned Government Advocate for the applicant/State.

Heard on admission.

This application for grant of leave to appeal has been preferred under Section 378(3) of the Code of Criminal Procedure (hereinafter referred to as the Code) being aggrieved with the judgment dated 18.3.2013 passed by the Additional Sessions Judge, Nagod, District Satna, in Sessions Trial No.319/2012, whereby respondent has been acquitted of the offences punishable under Sections 363, 366 and 376 of the Indian Penal Code (for short, 'the Act'). Prosecution case, in brief, is that on 9/9/12 at about 5 p.m., respondent after kidnapping the prosecutrix, took her from Satna to Ratlam, forcibly married her and subjected her to sexual assault.

The said facts were narrated by the prosecutrix to her parents upon her recovery on 28/9/12 consequent to investigation into missing person report lodged by her mother Uma Soni (PW2) at Police Station Nagaud.

Accordingly, FiRs.Information Report was registered and after investigation, charge-sheet was filed.

Learned Government Advocate submitted that the impugned judgment was passed without proper appreciation of evidence on record and the same deserved to be set-aside.

Having regard to the arguments advanced by learned Government Advocate, we have gone through the impugned judgment.

After considering the entire age-related evidence on record, trial Court in para 9 of the impugned judgment held that prosecution had failed to prove that during the relevant period, prosecutrix was below 16 years of age.

After appreciating her evidence, trial Court found that prosecutrix was acquainted with the respondent and had gone, at her own accord, to meet him at Satna Railway Station upon receiving his message.

Trial Court further found that prosecutrix had admitted her signatures on the matrimonial documents before the Notary and that she had not narrated the incident either to the Notary or to anyone else in the transit despite having sufficient opportunity.

Prosecutrix also admitted sending SMSes to the respondent.

In the aforesaid premises, trial Court found that prosecutrix was a consenting party and that the prosecution had failed to prove its case beyond a reasonable doubt.

We agree with the findings recorded by the trial Court.

It is well settled that the judgment of acquittal should not be disturbed unless the conclusions drawn on the basis of evidence brought on record are found to be grossly unreasonable or manifestly perverse or palpably unsustainable.

Taking into consideration the reasons assigned on the face of evidence on record establishing the aforesaid facts and circumstances, the view taken by the learned trial Court was apparently a possible view.

As such, no interference is called for with the judgment of acquittal in question.

The application for grant of leave to file appeal, being devoid of merit and substance, stands dismissed.

(AJIT SINGH) (B.D.RATHI) JUDGE JUDGE (and)

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