

HON'BLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.480 of 2023****JUDGMENT:**

This Criminal Appeal is filed by the State questioning the acquittal recorded by the learned Assistant Sessions Judge, Mahabubnagar, in S.C.No.395 of 2010, dated 09.06.2011, for the offence under Section 366 of the Indian Penal Code.

2. Heard. Perused the record.

3. The case of the prosecution is that the victim girl was a minor and the accused had taken her on 22.05.2010 saying that he would marry her and they went to Thirumala and got married on 02.04.2010. She was brought back to Mahabubnagar on 31.05.2010.

4. The learned Assistant Sessions Judge found that the prosecution failed to prove the age of PW.3-victim girl as below 18 years. Further on facts, even according to PW.3, she accompanied the accused to Thirumala and they have married at Thirumala.

5. Admittedly, PW.3 and accused married at Thirumala, after PW.3 accompanied accused on 22.05.2010. In the absence of any evidence to show that PW.3/victim girl was minor on the said date, no offence under Section 366 of Indian Penal Code is made out.

6. The victim girl-Pw.3 had voluntarily accompanied the accused, even as per the evidence on record and admission in the Court. Therefore, the findings of the learned Assistant Sessions Judge cannot be found fault with and there are no grounds to interfere with the order of acquittal recorded by the learned Assistant Sessions Judge.

7. Accordingly, the Criminal Appeal is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Date: 03.07.2023
Mmr/tk

K.SURENDER, J

HON'BLE SRI JUSTICE K.SURENDER

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mmr/tk