

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CRIMINAL REVISION APPLICATION NO. 100 OF 2015

THE STATE OF MAHARASHTRA

VERSUS

NILESH S/O SHANKAR KORKE AND ANOTHER

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Advocate for Applicant : Mr. S. A. Ambad.

CORAM: T. V. NALAWADE, J.

DATED: 25th JUNE, 2015.

PER COURT:

1. The revision is filed to challenge the order made by learned Additional Sessions Judge, Ahmednagar on Exhibit-33 of Sessions Case No.324 of 2013. This application was filed by the State under section 319 of Cr.P.C. for adding present Respondent Trimbak as accused in the case. The application was made after recording the evidence of the prosecutrix. Heard learned A.P.P.

2. This Court has gone through the deposition of the witness, the prosecutrix. It appears that in the examination in chief itself she gave two different versions. Initially she deposed that only the main accused Nilesh had taken her away from the lawful guardianship of her parents. She was taken at various places and when she contacted her parents she was taken to Parner Police Station and from there she was taken to Supa Police Station. After giving such evidence at her own she added that she was taken to other places like Belwandi, and Trimbak, a relative of Nilesh had taken her to a house where she had stayed where Nilesh had raped her. Such police statement was not given. In examination in chief two different versions are given.

3, The power under section 319 of Cr.P.C. is to be used in exceptional circumstances and not in routine course. It is for the trial Court to exercise the powers under section 319 Cr.P.C. In view of the aforesaid circumstances, the learned Additional Sessions Judge refused to use the power. This Court see no ground to interfere in the decision given by the learned Additional

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Sessions Judge. Dismissed, without issuing notice to other side.

[T. V. NALAWADE, J.]

Dt.25/06/2015
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