

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6958 OF 2014

THE STATE OF MAHARASHTRA

VERSUS

BALAJI S/O PANDURANG MANE

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Advocate for Applicant : Mr. S. B. Pulkundwar

Advocate for Respondents : Mr. P. D. Bhosale

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CORAM : T. V. NALAWADE &**SMT. I. K. JAIN, JJ.****DATE : 27th March, 2015****PER COURT :**

1. The application is filed for grant of leave to appeal against the judgment and order delivered by the Learned Additional Sessions Judge, in Sessions Trial No. 119/2011. The respondent is acquitted of the offences punishable under section 363, 366-A and 376 of the Indian Penal Code.
2. Learned APP is also heard.
3. Learned APP has shown to this Court copy of deposition of the prosecutrix and Dr. Doli who had examined prosecutrix to ascertain the age radiologically.
4. The evidence of prosecutrix shows that she had left the house of the parents on her own and she had gone with the accused. Evidence also speaks about establishment of sexual relation. It is not her case that force was used for establishing relation by the accused. When he refused to marry, she approached the police. No school record, birth record is produced. In the year 2009, age of the prosecutrix was given as less than 16 years. Evidence of Doctor shows that age of the prosecutrix was above 14 years. In the cross examination doctor has given admission that the age can be more than 17 years. In view of this, the trial Court held that

there was possibility of consent and acquittal is ordered. This court held that nothing can be achieved by granting leave. In the result, leave is refused. Application is disposed of.

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)

JPC