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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 252 OF 2015**

Mr. Sachin J.P. Dubey ... Applicant

Versus

The State of Maharashtra and Ors. ... Respondents

Ms Priyanka Dubey i/by Mr. D.R. Yadav for the applicant.

Mr. D.R. More, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : AUGUST 13, 2015**

P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The applicant is facing trial for the offences punishable under section 376 and 417 of the Indian Penal Code. He has applied for discharge. The said application has been rejected by the learned trial Judge. It is submitted on behalf of the applicant that the original complainant is in habit of filing false complaints and that she has filed one similar complaint against another person also.

3. I have gone through the F.I.R. Prima facie, it appears that the applicant had sexual intercourse with complainant Komal Sinha on many occasions. It is alleged by the complainant that her consent was obtained on the pretext that the applicant would marry her. The applicant is a married

person having children. It is alleged that he had concealed his marital status.

4. From the nature of complaint, it is absolutely clear that the application involves various issues of fact which can be examined by the trial court only during the course of the trial. It is not possible to give any finding with regard to the guilt or otherwise of the applicant in the present proceedings.

The application is therefore, dismissed.

(JUDGE)