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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4295 OF 2013**

Mr. Bajirao Nathu TakalkarPetitioner
versus
The State of Maharashtra and ors.Respondents

Ms. Pramila Birbhan, advocate for the petitioner.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 19th JANUARY, 2015.

P.C.:

Heard learned counsel for the petitioner and learned APP for the State.

2. By this petition, the petitioner is seeking direction to respondent Nos.1 and 2 to register FIR or take cognizance of the offences punishable under sections 376 and 201 of the Indian Penal Code against respondent No.3.

3. The petitioner has already filed criminal case No.369 of 2009 before JMFC Rajguru Nagar against Balu Kalwade, Nandabai Kalwade, Yamunabai Kalwade and Damu Rale for offences punishable under sections 323, 325, 500, 504, 506(2), 498 read with section 34 of the Indian Penal Code. During the pendency of the complaint, the petitioner has filed an application at "Exhibit 10" on 24th September, 2010, a

copy of which is annexed at page 115. By the said application, the petitioner has made a request to add section 376. The petitioner also filed an application at "Exhibit 5" in the said criminal case for medical examination of his daughter and respondent No.3/original accused No.1. Learned counsel for the petitioner stated that the application at "Exhibit 5" for medical examination of his daughter and respondent No.3/original accused No.1 is rejected on 22nd August, 2011, a copy of which is annexed at page 119. So far as petitioner's application at "Exhibit 10" for adding section 376 is concerned, learned counsel for the petitioner stated that the same is pending.

4. In the above circumstances, we are of the opinion that the petition can conveniently be disposed of by passing following order:

(I) The petitioner, is at liberty, to challenge the order dated 22nd August, 2011 passed in "Exhibit 5" in regular criminal case No.369 of 2009 before an appropriate Court.

(II) Learned JMFC, Rajguru Nagar, is directed to decide the petitioner's application at "Exhibit 10" in regular criminal case No.369 of 2009 as expeditiously as possible and preferably within a period of two months from the date of receipt of this order, if not already decided.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)