

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APPA) No. 132/2015
The State of Mah. Vs. Sunil Bhaurao Madavi

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	<u>Court's or Judge's Orders.</u>
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Shri Thakre, APP for the State.
Shri P.K. Dahat, Advocate for the respondent.

**CORAM : A.B.Chaudhari &
P.N. Deshmukh, JJ.**
DATE : March 3, 2015.

Heard the learned counsel for the rival parties.

This Court had issued notice on application for condonation of delay in filing appeal and by order dated 23rd February, 2015, the delay was condoned.

Shri P.K. Dahat, the learned counsel, has entered appearance on behalf of the respondent.

Criminal Appeal No,... 2015

Heard.

Admit.

Upon perusal of the impugned judgment, prima facie, we find that there is reason to believe that the prosecutrix was under the age of 16 years. Shri Dahat, the learned counsel, upon instructions from his

client, fairly states that his client-respondent sole had made efforts and request to the family of the prosecutrix for marrying the prosecutrix who is having a child, obviously illegitimate. We also find from the record that DNA test was conducted and the same was found to be positive i.e. the respondent-sole is biological father of the child. The fact remains that the girl is with her parents along with the child and as reported by Shri Dahat, the respondent-sole is still ready to marry her, but her father is not willing. He further informs that the respondent-sole has not yet performed marriage. Upon instructions, he further informs that the land Khasara no. 32, area of about 9 acres is with his father at mouza Degma (Khurd) Tahsil Hingna, District Nagpur, being the head of family and the respondent has share in the land, being Son. For the present, therefore, pending reduction of the controversy, we think attachment of half of the area of the land of survey no.32 should be made. At the same time, we think, an attempt to convince the father of the girl, who must have now become major should also be made.

In that view of the matter, we direct the office to issue notice to Shri Damodhar Mahadev Bhondwe, resident of Degma (Khurd), Tahsil Hingna, District Nagpur, to appear before this court in person or through Advocate. He may be given legal aid, if required by him. The summons be served on Shri Damodhar Mahadev Bhondwe through Police Station, Hingna by Fax, returnable on 11th March, 2015.

It is ordered that half of the Survey no.32 stand attached and

the entry be made accordingly in the 7/12 extract for the said Survey no.32 until further orders.

JUDGE

JUDGE

Ambulkar