

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 300 of 2015
[Rahul Ranjit Malviya Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.M. Daga, Adv., for the applicant.
Mr. Bhoyar, APP for respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 07th July, 2015.

Heard learned counsel for the rival parties.

There is a documentary evidence apart from other evidence, to show that Jotsna, the girl, is below eighteen years of age on the date of offence, her date of birth being 25th January, 2000 as seen from the extract of Admission Register.

Learned counsel for the applicant submits that the girl Jotsna herself states that she was married to the applicant and in view of this statement, and having regard to Exception - 2 in Section 375 of Indian Penal Code, there is no offence.

It is not possible to agree with the argument

made by learned counsel for the applicant, since the girl is not major and she being minor, the theory of marriage does not impress me at all. That being so, the application is rejected.

Judge

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