

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPP] No. 742 of 2015
Arising out of
Criminal Application [BA] No. 416 of 2015 [decided on 13th July, 2015]
[Prashant Sakharam Theng Vs. State of Maharashtra]

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

Court's or Judge's orders

Mr. Nitesh Samundre, Adv., for the Applicant.
None for the respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 24th July, 2015.

This is an application for Speaking to Minutes filed by the applicant Prashant.

This Court on 13th July, 2015 made an order in Criminal Application [BA] No. 416 of 2015, which reads thus:-

“Heard learned counsel for the rival parties.

Criminal application is allowed to withdraw with liberty to file application after six months.”

The said application was heard on merits and since Court was not inclined to grant it, the same was

allowed to be withdrawn.

The application has been placed before me for further orders, obviously because the same was decided by me with the aforesaid order. Though the sitting arrangement changed from 20th July, 2015, as per the Supreme Court judgments, present application will have to be heard and decided by me.

Heard learned counsel for the applicant. He submits that he did not have any instructions to withdraw the application and, therefore, the order should be modified and the application should be heard on merits.

In view of the above, I have heard the applicant. Perused the FIR.

The applicant was arrested for the serious offence of rape on a minor girl and, therefore, the offences registered against him are under Sections 3 (a), 4, 11 (iv) and 12 of the Protection of Children from Sexual Offences Act, 2012, and Sections 376 (1), 354 (1) and 341 of Indian Penal Code. I have perused the FIR and I find that the prosecutrix 'K', is aged about 17 years, studying in XIIth standard. The applicant had been after her and used to obstruct her on her way when she used to go to classes, and used to tell her that he was having her photographs and would defame her in the colony. He then used to make phone calls and harass her.

Thereafter, he had once given her a push. As a result, she fell on the ground which caused a fracture injury to her left leg. She was, thus, required to take rest for three-four months. After this, the applicant continued making phone calls to the prosecutrix with a threat that if she does not talk to him, he would kill her parents. He then followed her to Aurangabad where she lived for taking further education. He was after her when she had come to Buldana from Aurangabad and then he committed rape on her and thereafter started troubling her.

It is, thus, clear that the applicant indulged into serious offence of rape on a minor girl and obviously the offence is punishable with imprisonment for life. He also troubled her and threatened her that he would kill her parents. The offence is very serious and the applicant does not deserve any sympathy. The applicant cannot be allowed to be released on bail.

Criminal Application [BA] No. 416 of 2015 is, therefore, **rejected**.

Judge

[hedau]