

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 170 OF 2016
(Sayyed Mansoor Kadri s/o Sayyed Khurshid Kadri Vs. The
State of Maharashtra)

Mr. S.S. Kazi, Advocate for the petitioner
Mr. R.B. Bagul, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 11/02/2016

ORAL ORDER :

1. Heard learned counsel for the petitioner.
2. Aggrieved by the rejection of the application for his discharge from the sessions trial, for the offences punishable under section 376-D, 315 and 420 of the Indian Penal Code as well as section 3 (10) (11) (12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 7 (1) (d) of the Protection of Civil Rights Act, the present writ petition is filed.
3. The complaint of the victim would show that the present writ petitioner, by giving promise of marriage

with her, had established sexual relations with her from time to time. She had given consent for the said sexual relations on the promise that he would marry with her. Ultimately, he however married to another lady and did not get any divorce from her though such a promise was given by him. In the circumstances, the complaint came to be filed.

. Since the victim belongs to Mahar community, the offences punishable under the provisions of various sections of Atrocities Act are also added.

4. Mr. S.S. Kazi, learned counsel for the petitioner relied on the ratio laid down in the case of **"Priya Sharan Maharaj alias Yadavendra Parashar and others V. State of Maharashtra"**, reported in **1995 CRI.L.J.3683 (1)**, in support of his submissions.

5. It is, however, to be gathered on merit as to whether the alleged consent given by the complainant to the alleged sexual intercourse was a valid consent. Naturally, without recording any evidence, the court would be unable to come to any conclusion. In the circumstances, no fault can be found with the order passed by the learned Sessions Judge in rejecting the

application. The present writ petition is, therefore,
dismissed.

[M.T. JOSHI]
JUDGE

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