

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5706 OF 2015

THE STATE OF MAHARASHTRA
VERSUS
GANESH VIKRAM KOLI

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APP for Applicant : Mr. S. G. Karlekar.
Advocate for Respondents : Mr. L. S. Mahajan.

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CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 09th March, 2016.

P.C.:

. This application seeks leave to file appeal against the judgment dated 28th July, 2015 in Sessions Case No.151 of 2013. The learned Judge acquitted the Respondent / Accused of offences punishable under Sections 363, 366 and 376 of the Indian Penal Code.

2 This was a case of a love affair. A minor girl on the verge of majority fell in love with the Respondent, who is also a young man of 21 years. They both eloped. They indulged in sexual activity. When they were brought back, the Respondent was charge-sheeted. Technically, the charge-sheet could have been filed and that charge was also maintainable, but the learned Judge held that the victim was aware as to what she was doing and she was mature enough to

decide as to what she should do, what is right and what is not right for her. The law on this subject is settled long back through the judgment of **S. Varadarajan Vs. State of Madras**, reported in, **AIR 1965 S.C. 942**. We find nothing erroneous in this judgment. We, therefore, do not allow this application. Leave refused. Criminal Application stands dismissed.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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