

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

CRIMINAL APPLICATION (BA) NO.176/2016

Nagendra Pandurang Kowase

..Versus..

State of Maharashtra, through Police Station Officer, Police Station, Chamorshi, Distt.
 Gadchiroli

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 9.3.2016

Heard Shri P.D. Sharma, advocate for the applicant and Shri
 N.B. Jawade, A.P.P. for the non-applicant.

The applicant is arrested in crime registered against him on the
 accusation that the applicant has committed penetrative sexual assault
 on victim aged about 14 years.

Shri Sharma, advocate for the applicant has submitted that it
 has come on the record that the house of victim is having only one
 door, that it was locked from outside and, therefore, it was not possible
 for the applicant to enter the house. It is further submitted that the
 medical evidence on the record is not sufficient to show that
 penetrative sexual assault is committed. It is further submitted that

the charge-sheet is filed and the custody of the applicant is not required for further investigation.

However, considering the nature of accusations and the provisions of Section 29 of the Protection of Children from Sexual Offences Act, 2012, I am not inclined to consider the prayer made in the application. The application is **dismissed**.

CRIMINAL APPLICATION (APPP) NO.323/2016

In view of disposal of main application, this application does not survive and is **disposed of** accordingly.

JUDGE

Tambaskar.