

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

CRI. APPLICATION (BA) NO. 317 OF 2017

(RAJKUMAR BIRALAL CHAKRAVATI...VS.. STATE OF MAH. THR. P.S.O. SITABULDI, NAGPUR.)

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

Court's or Judge's orders

Shri S.G.Karmarkar, Advocate for Applicant.
Shri A.D.Sonak, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 16, 2017.

Heard.

The applicant is arrested on 23rd December, 2015 in crime registered against him for the offences punishable under Sections 376(1) and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The accusations against the applicant are that he has sexually assaulted the victim, aged about 17 years, who is physically challenged.

The learned advocate for the applicant has pointed out from the statement of Ruplekha Ashok Roy that while filling up the form at the time of seeking employment as domestic help the victim had shown her date of birth as 12th January, 1992 and if it is so, the provisions of the Protection of Children from Sexual Offences Act, 2012 cannot be applied.

The facts on record show that the report of DNA test supports the claim of the Investigating Agency. The learned Additional Public Prosecutor has stated that the trial has commenced.

In the above facts, I am not inclined to grant the prayer made in the application. The application is **dismissed**.

CRI.APPLN.(APPP) NO.541/2017.

In view of dismissal of the bail application the application praying for grant of time to file certified copy of order does not survive, hence it is disposed of.

JUDGE

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