

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION (STAMP) NO. 434 OF 2018

Arhan @ Naseem Mohd. Yunus Akhtar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Chaudhari I/by Hulyalkar & Associates for the Applicant.

Mr. A.R. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 20th AUGUST, 2018.

P.C.:-

The present Revision Application is directed against the Order of framing of charge under Section 228 of the Code of Criminal Procedure against the Applicant under Sections 354, 376, 370 (B) read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the record.

3 The prosecutrix has lodged the present crime bearing C.R. No. 367 of 2016 dated 6th August, 2016 under Sections, 354, 376 read with Section 34 of the Indian Penal Code with Oshiwara Police Station, Mumbai. The police, after completion of investigation, have submitted the charge-sheet under the afore-stated Sections.

4 The said case has been committed to the Court of learned

Additional Sessions Judge, Dindoshi, Borivali Division, Mumbai and has numbered as Sessions Case No. 112 of 2017. The learned Additional Sessions Judge, Dindoshi, Borivali Division, Mumbai has framed charge below Exhibit-8 on 7th December 2017 under Sections 354, 376, 370(B) read with Section 34 of the Indian Penal Code.

5 A perusal of the first information report and the other documents would clearly indicate that, a strong *prima facie* case under Sections 354 and 370(B) of the Indian Penal Code has been made out. The Applicant under the pretext of giving work of acting in a Cinema to the prosecutrix, forced her to have physical relations with other persons representing that the said persons are Financer of the said Cinema. In view thereof, an offence under Section 376 read with Section 34 of the Indian Penal Code, *prima facie* has also been made out against the Applicant.

6 After perusing the record, this Court is of the view that there is no error and/or infirmity in the charges as framed against the Applicant by the Trial Court.

7 The Revision Application is accordingly rejected.

(A.S. GADKARI, J.)

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