

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 846 OF 2019

Mustafa Chand Dafedar

.. Appellant

Versus

The State of Maharashtra & Anr.

... Respondents

...

Mr. P. G. Sarda for the Appellant.

Ms. Tejaswi Rajesh Thorat, Respondent No.2 in person.

Mrs. Jyoti S. Lohokare APP for the Respondent/State.

Mr. Mahendra Jagtap, HC 101, Swargate Police Station, Pune City.

CORAM: P. N. DESHMUKH, J.

DATED : 14th OCTOBER, 2019.

P.C:-

1. Respondent No.2 is present and submits that she represented through learned Additional Public Prosecutor. Heard learned counsel for the appellant and learned APP.

2. Perused case diary, copy of which is placed on record. On the earlier date, when appellant is granted interim protection from his arrest, he is directed to attend Investigating Officer twice in a week.

Sonali Patil

Learned APP on instructions makes statement that appellant has attended as per directions of this Court. However, investigation is still in progress.

3. Perusal of the report would reveal that complainant was introduced to appellant by co-accused in October-2017 and since then they had developed friendship and started meeting each other at various places. In February-2018, complainant visited the native place of appellant for “Urus” and stayed on the terrace of Dargah with appellant. Thereafter, they continued meeting in Pune at various places and it is alleged that on 19th June, 2018, for the first time appellant developed physical relations with complainant in Natraj Hotel. It is alleged that complainant who admittedly is major was sexually exploited against her wish. It is further stated in the report that after 19th June, 2018, complainant and appellant were contacting each other on phone till 22nd November, 2018, from that day he refused to talk to complainant and therefore, on 13th January, 2019, complainant went to her native place where appellant is stated to have refused to marry her. It is thus found that report is lodged on 23rd April, 2019 for the offence punishable under Section 376 of Indian

Penal Code. It is material to note that provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are invoked in present crime only after additional statement of complainant is recorded on 8th May, 2019.

4. Considering the above aspects and since complainant admittedly is major on the day of incident and had willfully accompanied appellant at various places since October-2017 till November-2018, when he refused to contact her and had also refused to marry. Belated report is lodged in April-2019. In that view of the matter, interim order dated 13th August, 2019 needs to be confirmed. Accordingly, following order is passed:-

ORDER

1. Interim order is confirmed.
2. Appellant is further directed to attend the Investigating Officer as and when call till filing of the chargesheet.

(P. N. DESHMUKH, J.)