

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

**CRIMINAL APPLICATION STAMP NO.125 OF 2016
(For leave to Appeal)**

State of Maharashtra : Applicant.
Versus
Mansoor Ahmad Murtaja Siddhiqui : Respondent.

Ms. P P Shinde, APP, for the Applicant/State.

**CORAM : A.S.OKA &
A.S.GADKARI, JJ**
DATE : 21st January 2019

P.C.

1 This is an application under Section 378(3) of the Criminal Procedure Code for leave to file an appeal against the Judgment and Order dated 23rd July 2015 passed by the learned 2nd Additional Sessions Judge, Thane, acquitting the respondent from the offence punishable under Sections 363, 366A and 376(1) of the Indian Penal Code.

2 Heard the learned APP for the Applicant/State. Perused the entire record.

3 A minute scrutiny of evidence of the prosecutrix who was alleged to be aged about 18 years on the date of alleged incident indicates that, on 20th April 2012 she herself left the house of her parents and went to Thane railway station at about 4.30 p.m. and accompanied the respondent and they to Allahabad. The respondent thereafter took her to his sister's house. Though the respondent had initially told his name as Sunil Tiwari to the prosecutrix, after reaching to the house of his sister at Allahabad the prosecutrix came to

know that the real name of the respondent was Mansoor Ahmad, and therefore, she gave a second thought of performing marriage with him. On 20th April 2012 the respondent wanted to marry with the prosecutrix through court. The father of the prosecutrix had gone to Allahabad Court with police where the police arrested the respondent.

4 It appears from the record that, though the age of the prosecutrix was stated to be 16 years and 6 months on the date of alleged abduction, she had attained the age of understanding and discrimination, and therefore, she at her own free will left her parents' house and joined the company of the respondent to go with him to Allahabad. During her stay at Allahabad from 20th April 2012 to 28th April 2012 though the prosecutrix had ample opportunity to make a grievance against the respondent about the alleged abduction, she did not do it. The Trial Court has recorded the findings that on the date of alleged incident the prosecutrix was above 16 years of age and was a consenting party to the alleged offences.

5 After perusing the entire evidence available on record, this court is of the considered opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case and does not require any interference by this court.

6 The application is de hors of any merit and is accordingly rejected.

[A.S.GADKARI, J]

[A.S.OKA, J]