

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

CRIMINAL APPLICATION (ABA) NO.22 OF 2019

(Yogendra s/o Bhojaraj Walode Vs. State of Maharashtra thr. PSO PS Mauda, Dist.
Nagpur)

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

Court's or Judge's orders.

Shri O.K. Masurke, Advocate for Applicant.
Shri N.R. Rode, APP for Non-Applicant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 10th JANUARY, 2019.

Heard Advocate Shri Masurkar for the applicant.
He has submitted that complainant/victim is major, aged
about 22 years. Sexual intercourse took place with her
consent. When applicant refused to marry, she lodged the
report.

Learned APP Shri Rode has strongly objected the
application. From the perusal of FIR, it appears that first
sexual intercourse took place without her consent forcibly
and again sexual intercourse took place forcibly under the
promise of marriage and, therefore, she could not lodge
report earlier. The applicant promised to marry and refused
to perform marriage with her.

Whether consent given by victim was consent or
not is to be decided by the trial Court. Hence, applicant is
not entitled for any protection. Hence, the application is
rejected.

JUDGE