

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

CRIMINAL WRIT PETITION NO. 453 OF 2019

Ku. Madhuri D/o Ganpat Bhodhe

Vs.

State of Maharashtra and another

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

Court's or Judge's orders

Mr. M.B. Turankar, Advocate for the petitioner.
Mrs. S.S. Jachak, A.P.P. for respondent No. 1/State.
Mr. A.A. Dhawas, Advocate for respondent No. 2

CORAM : Z.A. HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 27th SEPTEMBER, 2019

Heard.

By this petition under Articles 226 and 227 of the Constitution of India, the informant (victim) prays that the respondent No. 1 – Police Station Officer be directed to correct the date of first incident of forcible sexual intercourse as “30th April, 2017” which is wrongly shown as “30th April, 2018”.

According to the petitioner, while giving oral report, she had stated that the first incident of forcible sexual intercourse occurred on 30th April 2017, however, it is wrongly recorded as 30th April, 2018 and it is making substantial difference to the case of the prosecution in as much as on 30th April, 2018, petitioner (victim) had become major.

After examining the matter and hearing the learned Advocates for the parties and learned Additional Public prosecutor, we are of the view that the grievance of

the petitioner cannot be examined by exercising jurisdiction under Articles 226 and 227 of the Constitution of India. It would be open to the petitioner to adduce evidence on this point before the trial Court where the accused will also get an opportunity to cross-examine the victim.

With the above observations, the writ petition is disposed. No costs.

JUDGE

JUDGE

D.S. Baldwa