

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

CRIMINAL APPLICATION (ABA) NO.437/2019

Vinay s/o Pradip Chawhare .vs. State of Maharashtra through PSO P.S.
Wadi, Nagpur

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

Court's or Judge's orders.

Mr. C. B. Barve, Advocate for applicant.
Mr. V. P. Gangane, A.P.P. for non applicant-State.
Mr. A. B. Moon, Advocate assisting the prosecution.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 20, 2019

Criminal Application No.1218/2019

This is an application filed by complainant to assist the prosecution.

Heard learned counsel for the parties.

For the reasons stated in the application, it is allowed. Complainant is allowed to assist the prosecution.

The application is disposed of.

Criminal Application (ABA) No.437/2019

This is an application filed on behalf of an employee working with Ordinance Factory who sexually exploited victim for about 2 ½ years on the pretext that he will marry with her and, thereafter, turned around and married with some other girl.

It is the submission of Mr. Barve, learned counsel for applicant, that sexual relations between applicant and victim

were consensual and victim was a consenting party. Under such circumstances, it is the submission that present application is required to be allowed.

Mr. Gangane, learned APP for non-applicant-State, pointed out the submissions made in First Information Report dated 10.06.2019 filed by victim herself.

Perusal of the FIR would show that the first sexual intercourse that occurred between applicant and the victim was against her wish. The FIR clearly spelt out that the victim agreed to have physical relations with the applicant on the promise, who he gave to her that he will marry with her. The applicant obtained sexual pleasure from the victim for about 2 ½ years and then has turned around. According to learned counsel for applicant, he could not marry with the victim since she was not found suitable to him.

This submission made on behalf of the applicant shows arrogance on behalf of the applicant towards the entire womanhood. This is a matter of sexually exploiting a girl on the promise of marriage and then turning around by saying that the girl was not suitable to him. Hence, application is rejected. Interim order stands vacated.

JUDGE