

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.65 OF 2021

Harshwardhan Sadashiv Pawar : Appellant.

Versus

The State of Maharashtra and anr. : Respondents.

Mr. Umesh Pawar i/by Mr. Prashant Bhavake for the Appellant.

Mr. J P Yagnik, APP for the Respondent/State.

CORAM : S. S. SHINDE,
MANISH PITALE, JJ

DATE : 11th FEBRUARY 2021

P.C.

1 Heard the learned counsel appearing for the Appellant and the
learned APP appearing for the Respondent/State.

2 The learned counsel for the Appellant submits that the age of the
Appellant is 24 years and the age of the prosecutrix is 30 years. He further
submits that the alleged incident had never taken place, and at the highest it
was a consensual relationship. The learned counsel submits that the
allegations made in the FIR are the exaggerated versions. Therefore he
submits that the appeal may be allowed.

2 On the other hand the learned APP, relying upon the reasons
recorded by the Special Court and the investigation papers, submits that the
allegations made in the FIR would disclose the alleged offences, and therefore,

further investigation is necessary. He, therefore, prays that the appeal may be dismissed.

3 We have given our due consideration to the rival contentions. With the able assistance of the learned counsel appearing for the Appellant and the learned APP appearing for the Respondent/State, we have carefully perused the allegations made in the FIR and the reasons assigned by the Special Court. In our opinion, upon reading the allegation in entirety, the ingredients of the alleged offences are attracted and consequently the alleged offences are disclosed, hence further investigation is necessary. No case is made out to entertain this appeal. Hence appeal stands dismissed.

[MANISH PITALE, J]

[S. S. SHINDE , J]