

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

CRIMINAL APPLICATION (BA) NO.1222 OF 2021

(Mayur s/o Dilip Shekokar Vs. State of Maharashtra thr. PSO PS Achalpur, Tq.
Achalpur, Dist. Amravati)

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

Court's or Judge's orders.

Mr. P. V. Navlani, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 14th DECEMBER, 2021.

This application was exhaustively heard
on 02.12.2021.

2. The applicant is arraigned as accused in Crime 63/2021 registered with Police Station Achalpur, Tahsil Achalpur, District Amravati for offences punishable under sections 376, 376(2)(f), 377, 323, 504 and 506 of the Indian Penal Code.

3. The victim is the mother of the applicant. According to the victim on 18.03.2021 the applicant came home in an intoxicated condition, dragged her to the hall, and subjected her to forcible sexual intercourse and unnatural intercourse.

4. The material on record reveals that the victim rushed to the house of witness Ratnakalabai and

immediately disclosed the incident to Ratnakalabai and her sister-in-law Santoshi.

5. The victim has filed an affidavit to the effect that she falsely accused her son and that no incident of forcible sexual intercourse as is alleged in the report occurred.

6. I have no doubt in my mind that the affidavit is a manifestation of motherly love going to an unnatural and unimaginable extent to secure the applicant's liberty. I am not inclined to give any credence to the contents of the affidavit filed by the first informant or for that matter by her husband. I note that the incident was immediately reported by the victim to the witnesses and that the injuries which are discernible from the medical papers do, to a certain extent, corroborate her version. I hasten to add, that the observations *supra* are only *prima facie* and shall not prejudice the applicant in the trial.

7. At this stage, a request is made that the application be dismissed as withdrawn without recording further reasons for the dismissal.

8. The application is dismissed as withdrawn.

JUDGE