

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34686 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- BARHARA KOTHI District- Purnia

Md Mahboob aged about 22 years, Son of Md Mazhar @ Majahar Resident
of Village- Murballa, P.S.- Barhara Kothi, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. Babli Praveen, aged about 17 years, female, D/o of Late Md Afroj Resident
of Village- Murballa, P.S.- Barhara, District- Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Parties : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-05-2022 The instant petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short ‘ the Code’) has been filed for quashing the order dated 03-04-2021 passed by learned Additional Sessions Judge VII-cum- Special Court (POCSO) Purnea, in connection with Suppl. SPL (POCSO) Case No. 23 of 2020, C.I.S. No. 23 of 2020, arising out of Barhara PS Case No. 60/2020 whereby discharge petition filed by the petitioner under Section 227 of the Code has been rejected.

2. After some argument, learned counsel for the petitioner, submits that the petitioner would be seriously contesting the age determination of the alleged victim. It is the petitioner’s case that the alleged victim is not entitled to



maintain prosecution under the provisions of the POCSO Act. It is also submitted that there are other infirmities in the allegations inasmuch as no sexual offence whatsoever was committed. The submissions of the petitioner are to be considered factually and based on evidence and, therefore, he submits that he would be raising these issues at the trial at the appropriate stage for its consideration.

3. With the liberty, above noted, and without expressing any opinion on merits of the submission, the application is disposed of.

(Madhuresh Prasad, J)

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