

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

CRIMINAL APPLICATION (APL) NO.225 OF 2021

(Pravin Wamanrao Sawalakhe Vs. The State of Maharashtra thr. PSO PS Deoli, Dist.
Wardha 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. P. W. Mirza, Advocate for Applicant.
Mr. T. A. Mirza, APP for Non-Applicant 1/State.
Mr. D. R. Bhoyar, Advocate for Non-Applicant 2.

CORAM: ROHIT B. DEO AND URMILA JOSHI-PHALKE, JJ.

DATE: 10th OCTOBER, 2022.

We were not inclined to interfere.

2. We note that there is no dispute that some incident did occur on the fateful day.

3. The narrative of the complainant is that due to strained relationship, the accused trespass, questioned her why she was not vacating the house, and assaulted and sexually molested her.

4. The counter narrative is that the applicant – accused went to the house of the complainant to collect certain material and to falsely implicate him, the complainant tore her own clothes.

5. We are afraid, the jurisdiction under section 482

of the Criminal Procedure Code does not permit us, to undertake a microscopic appreciation or marshaling of material, particularly considering the nature of the accusations.

6. It would be more appropriate, if the contentions are raised before the learned trial Judge.

7. We note that there is an interim order which restrains the Investigating Officer (I.O.) from filing the charge-sheet.

8. We vacate the interim order and direct the I.O. to file the final report, or the closure report, or take such step as is necessary in view of the material collected during the course of investigation.

9. We keep all contentions open, and permit the applicant to seek discharge, in the event the final report is filed.

10. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

NSN