

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.233 OF 2022

Maaj Rasul Khan ..Applicant
VS.
The State of Maharashtra and another ..Respondents

Ms. Chandni Chawla i/b. Khan Abdul Wahab for the Applicant.

Ms. Anamika Malhotra, APP for Respondent No.1-State.

Mr. Ajinkya Udane for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 8, 2023

P.C. :

- 1.** Heard learned counsel for the Applicant.
- 2.** The order challenged is passed by the Special Judge under the provisions of Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) rejecting the application below Exhibit 8.
- 3.** Learned counsel for the Applicant invited my attention to the observations of the learned Special Judge while rejecting the application. My attention is then invited to the accusations in the FIR. In the submission of learned counsel, from the FIR it is crystal clear that a part of the

offence alleged to have been committed is prior to the Applicant attaining majority on 12.03.2017. My attention is also invited to the medical history as stated by the Applicant-accused before the concerned doctor.

4. The Special Court rejected the application observing that the Applicant has failed to prove that as on the date of alleged incident, in the year 2017, he was a minor. I do not see any reason to interfere with the order passed by the Special Judge. If at a later stage from the materials it transpires that the applicant was a minor on the date of alleged incident, upon bringing this to the notice of the Court, the same shall undoubtedly be considered on its own merits in the light of such materials without being influenced by the observations made in the impugned order.

5. Subject to what is stated above, the Criminal Revision Application is rejected.

(M. S. KARNIK, J.)