

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
REVISION APPLICATION NO.624 OF 2018**

Jai Kumar Madhusudan Birla .. Applicant
Versus
The State of Maharashtra and anr. .. Respondents
...

Mr. Hintendra Parab i/b Mr. Madhukar Dalvi, for the applicant.
Mr. Tanoj Kamble, for respondent no.2.
Mr. Y.M. Nakhwa, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 23rd AUGUST, 2023**

P.C:-

1 The present Revision Application is filed by the accused, being aggrieved by the order dated 5/09/2018, passed by the Additional Sessions Judge, Thane, who has refused to discharge the applicant from the charge of committing an offence under Section 323, 376 and 506 of Indian Penal Code.

2 Heard the counsel for the applicant and the learned APP for the State and the learned counsel for respondent no.2.

 The charge-sheet filed against the applicant has compiled the statement of the victim aged 27 years, who came to the city on being hired by the applicant, who offered her a job of a website designer. After she arrived, she was made to stay in a room and as per the version of the victim, the applicant arrived there and forcibly committed sexual intercourse with her. She

was threatened that she should not disclose the incident to anybody and if she does, she would be eliminated.

It is the prosecution case that thereafter the applicant continued his visits to the prosecutrix and took her to his native place, where she resided with him for some time. The physical relationship was regularly maintained by him and the learned counsel for the applicant argue that on all subsequent occasions the relationship was consensual.

I do not think, that the said argument deserve any consideration as it is the case of the prosecutrix that for the first time, the applicant forcibly committed rape on her and thereafter, on the pretext of solemnization of marriage with her, he continued to maintain the physical relationship.

In this background, there is no ground sufficient enough to discharge him of the offences, with which he is charged and he must necessarily undergo the trial.

The application is dismissed.

(SMT. BHARATI DANGRE, J.)