

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

CRIMINAL APPLICATION (BA) NO.288 OF 2023

Kanhaiya alias Ajay s/o Umakant Mankar Vs. State of Maharashtra, PS
Ramnagar, District Chandrapur and another

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

Court's or Judge's orders.

Shri P.J. Mehta, Advocate for applicant.
Shri I.J. Damle, APP for non-applicant/State.
Ms S.P. Dhotre, Advocate appointed for non-applicant no.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : JUNE 21, 2023.

The present application is filed under Section 439 of Code of Criminal Procedure.

2. After hearing the learned counsel for the applicant for some extent, when this Court expressed that considering the victim girl is of 14 years old and subjected for sexual assault by the accused, who is 21 years old, which forced her to carry pregnancy and DNA report also shows that the present applicant is the biological father, there is a *prima facie* material against the present applicant, seeks permission to withdraw the application with liberty to file application afresh, if trial is not commenced in near future.

3. The applicant is permitted to withdraw the application with liberty to file afresh application in change in circumstances.

4. The application is dismissed as withdrawn with liberty as prayed for.

5. Professional fees of learned counsel appointed for non-applicant no.2 shall be quantified and paid, as per Rules.

JUDGE

Wagh