



WEB COPY



Crl.M.P.No.6610 of 2023
in Crl.A.No.153 of 2023

M. NIRMAL KUMAR, J.

The contention of the petitioner is that the petitioner and the victim girl, who is aged about 17½ years, were in love with each other. On compulsion, the petitioner committed penetrative sexual assault on the petitioner. She voluntarily appeared before the respondent police and thereafter, she was produced before the learned Magistrate, where she had not stated anything about kidnapping or forcible penetrative sexual assault. After 1½ years, in 164 statement she had come up with a new theory as though the petitioner committed penetrative sexual assault. He would submit that this 164 statement was the condition precedent for her marriage with her uncle for which the petitioner was made as scapegoat and he has been suffering incarceration for the past 1½ years.

2.Learned Additional Public Prosecutor submits that the victim girl had clearly stated in 164 statement and also through her evidence before the Trial Court about the petitioner committing penetrative sexual assault which was confirmed by P.W.9/Doctor. Hence, he prayed for dismissal of this petition.

3.At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition. He has also made an endorsement to that effect.

4.In view of the endorsement made, this petition is dismissed as withdrawn.

27.11.2023

cse