

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

CRIMINAL REVISION APPLICATION NO. 437 OF 2024

Dipak Sambhaji Rawal	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Kunal Patil i/by Ms. Rajnandini Katkar, Advocate for Applicant.

Mr. Nitin. B. Patil, APP for the Respondent-State.

Ms. Sonali A. Sheth, Advocate for Respondent No.2 through legal-aid.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 18th DECEMBER, 2025

P.C.

1. The challenge in this application is to the order passed by the learned Additional Sessions Judge, Kolhapur below Exhibit-5 in Sessions Case No. 267 of 2022.

2. It is contention of learned counsel for the applicant that at the time of incident, the victim was 27 years old. The physical relationship between the applicant and victim were consensual. Hence, the case is not made out against the applicant under sections 376 and 376 (2) of the Indian Penal Code. But this fact is not considered by the trial Court. Hence, requested to allow the application.

3. It is contention of learned APP that the charges levelled against the applicant are serious. He sexually assaulted the victim on several occasions. Evidence is required to prove the case against the applicant and requested to reject the application.

4. It is contention of learned counsel for Respondent No.2 that the respondent No.2 has no objection to allow the application. The victim is present in the Court.

5. I have heard all the learned counsels, perused the impugned order. The learned Sessions Judge has rejected the discharge application of the applicant on the ground that the applicant has sexually assaulted the victim on several occasions. It appears from the record that at the time of incident, the victim was 27 years old and physical relationship between the victim and applicant were consensual. Considering these facts as well as victim has no objection to allow the application, no case is made out against the applicant. Hence, I pass the following order.

ORDER

- (i) The Criminal Revision Application is allowed;
- (ii) The order passed by the learned Additional Sessions Judge, Kolhapur below Exhibit-5 in Sessions Case No. 267 of 2022 is hereby quashed and set aside;

(iii) The applicant is discharged from the offences under Sections 376 and 376 (2) of the Indian Penal Code.

6. The application is allowed in the aforesaid terms and is accordingly disposed off.

7. All concerned to act on the authenticated copy of this order.

8. As Ms. Sonali A. Sheth, is appointed to represent Respondent No.2 through legal-aid, professional fees of Rs.10,000/- be paid to him/her.

(SHIVKUMAR DIGE, J.)