

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO. 1292 OF 2005

Chhotu @ Guddu Balwant Mandal ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

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Mrs. Anjali Patil for the Applicant.

Shri K.V. Saste, APP for the Respondent State.

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CORAM : A.M.KHANWILKAR, J.

DATED : FEBRUARY 28, 2005

PC :-

. Heard counsel for the parties. Perused the record.

2. The prosecution case is that the applicant has been arrested in connection with the offence punishable under sections 4,5 and 7 (i)(B) of PITA Act, 1956. There is material to indicate the complicity of the applicant in the commission of the crime. To get over this position, the learned counsel for the applicant vehemently submits that none of the rescued girls was minor as there is evidence to indicate that their age was between 17 to 18 years, the applicant is entitled to contend that there is always possibility of two years margin to determine

the age of any person. That, however, is a matter for trial. Going by the prosecution case as it is, it is seen that the rescued girls were in the age group of 15 to 17 years. Expression "minor" is defined by the Act, as can be seen from section 2(cb); which is clearly attracted in the fact situation of the case; If prosecution case was to be established, the offence is a serious offence punishable with sentence, which shall not be less than 7 years. Viewed in this perspective, not a case for bail. Rejected.

3. As prayer for bail is rejected, the concerned Magistrate is directed to finally dispose of the trial as expeditiously as possible and preferably within three months from the receipt of the writ of this court. This direction is issued on the basis of submission made by the learned APP on instructions of the investigating officer, who is personally present in the court, that the prosecution will ensure early disposal of the trial within the aforesaid period. It is however, made clear that in case, the trial court is of the opinion that the applicant is responsible for the delay of the trial, that fact be recorded in the Rozanama, which will be taken into account as and when occasion arise.

4. Ordered accordingly.

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