



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

CRIMINAL APPLICATION NO. 973 OF 2023

Ajay Ramnaresh Tripathi

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Ms. Ingale Mallika, Advocate for the Applicant.

Mr. B. V. Holambe Pati, APP for the Respondent No.1/State.

CORAM : N.R. BORKAR, J.
DATE : 27.04.2026.

P.C. :

1. In terms of Section 228 of the Cr. P. C. on 24.09.2018 the learned Additional Sessions Judge has framed the charges against the present applicant for the offences punishable under Sections 376 (2)(n), 354, 323, 504, 506 & 507 of the Indian Penal Code and Section 66(E) of the Information Technology Act. The applicant in the present application under Section 482 of the Cr. P. C. has challenged the said framing of charge.

2. It is the case of the prosecution that, in 2014, the husband of the first informant introduced the present applicant to her as his business Partner. As such the applicant resided in the house of the first informant for a few days. It is alleged that during his stay, the applicant Committed forcible sexual intercourse with the first

informant under the threat that he had certain objectionable photos & videos of the first informant & that he will circulate them on the internet if she refused to establish sexual relations with him. It is further alleged that under the said threat, the applicant committed forcible sexual intercourse with the first informant multiple times as well as extorted a total amount of Rs.15,80,000/- from her. It is alleged that the applicant in connivance with the husband of the first informant and his second wife have threatened the first informant with dire consequences if she does not withdraw her complaint under Section 498A of the IPC lodged by her against her husband.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

4. The learned counsel for the applicant submits that the version of the prosecutrix is improbable. The learned counsel for the applicant has drawn my attention to the material in the charge-sheet to submit that the Additional Sessions Judge has ignored the said facts and erred in framing the charge against the present applicant. The learned counsel for the applicant has relied upon the decision of the Hon'ble Supreme Court in **Sonu alias Subhash Kumar v. State of Uttar Pradesh and Anr.¹**, to contend that a charge-sheet and the charge can be quashed if no offence is established.

5. On the other hand, the learned APP for the

¹ AIR 2021 SUPREME COURT 1405

respondent/State submits that there is sufficient material against the applicant and thus the trial court has rightly framed the charges. It is further submitted that the present application suffers from delay and laches.

6. I have perused the charge-sheet. There are allegations of forcible sexual intercourse. Therefore no fault can be found with the framing of the charge by the trial court. At this stage, it can not be said that the version of the prosecutrix is improbable. The Application is therefore dismissed.

[N.R.BORKAR, J.]