

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

CRIMINAL REVISION APPLICATION NO. 318 OF 2015

Shankar Bhimaji Bhalerao	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. D.S. Mhaispurkar a/w. Mr. Sameer Mukund Mangaonkar
for the Applicant.

Ms. S.V. Gajare, A.P.P. for the State.

CORAM : A. V. NIRGUDE, J.

DATE : 27th NOVEMBER, 2015.

P.C. :

1. The applicant seeks discharge from Special Case No.5 of 2014 which is pending before the learned Additional Sessions Judge, Khed-Rajgurunagar. Various offences punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012, and offence punishable under Section 376 of I.P.C., are alleged against the accused.

2. The present applicant is accused for the offence punishable under Section 21 of the Protection of Children from Sexual Offences Act. It is the case of the prosecution that he did not inform the untoward incident to police though he learnt about it. The applicant was working as Peon in the residential school where the incident happened in February

2013. The police papers shows that the alleged incident of rape took place on 05.02.2013. It was the accused No.1 who committed rape on victim, a minor girl. It seems that thereafter the victim informed this incident to her caretaker and then this information was passed on to two other teachers of the school. Some of them took the victim to hospital for medical treatment, etc., but the teachers did not inform this incident to the police and therefore, they are accused of having committed offence punishable under Section 21 of the the Protection of Children from Sexual Offences Act. The victim does not say, in her statement, that the applicant learnt from her or from someone else about the incident. The only material that appears on record against the applicant is that he was present with the victim when she was taken to medical treatment for a few days after the incident. This material is too thin to frame charge against the applicant. The applicant being a peon was following the directions of his superior. He was directed to help the victim for going to hospital. It is said that he lifted the victim on stretcher for taking her to hospital, etc.

3. The applicant stands discharged. The Revision Application is allowed in above terms and accordingly stands disposed of.

(A.V.NIRGUDE, J.)