

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 45 OF 2016

Bhagwan S/o Rohidas Shinde .. Petitioner

Vs.

The State of Maharashtra .. Respondent

Mr. A.M. Gaikwad, Advocate for the petitioner
Mr. A.R. Kale, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 21/01/2016

ORAL ORDER :

1. Heard Mr. Gaikwad.
2. Present petitioner is charged of commission of the offence against the small girls. Crime was registered for the offences punishable under section 354 and 509 of the Indian Penal Code. Chargesheet was filed for the offences punishable under section 376, 511, 354, 509 of the Indian Penal Code.
3. The present petitioner therefore filed application for his discharge in the Sessions Court from

the offence punishable under section 376 of the Indian Penal Code. The same was dismissed by the learned Additional Sessions Judge.

4. Aggrieved by the said order, the petitioner preferred Criminal Writ Petition No. 666 of 2014 in this Court. Vide order dated 07/07/2014, upon hearing learned counsel for the petitioner, the petitioner was allowed to withdraw the said petition and, therefore, the said petition was dismissed.

5. Thereupon, the learned Sessions Judge framed charge vide Exhibit 7 in the Sessions Case on 25/07/2014 for the offences punishable under section 376 r/w. 511 and 354 and 509 of the Indian Penal Code. Petitioner thereupon sought discharge from the offences punishable under section 376 r/w. Section 511 of the Indian Penal Code. It was also submitted that the offence punishable under section 354 of the Indian Penal Code is also not made out.

. The learned Sessions Judge heard both sides and came to the conclusion that the charge is rightly framed. It was observed that prima facie the statements

of the victim girls on record would show that the offence is committed and, therefore, the application was rejected. Hence, the present writ petition.

6. Above history itself would show that the present petitioner earlier has tried to seek his discharge from the offences punishable under section 376 r/w. 511 of the Indian Penal Code in this Court. The said writ petition upon hearing was dismissed being withdrawn.

7. In that view of the matter, since the issue is already decided by this Court, there is no reason to interfere in the next of the order passed by the learned Additional Sessions Judge. Writ Petition is therefore dismissed.

[M.T. JOSHI]
JUDGE

arp/