

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 587 OF 2016

(Ku. Sneha d/o Manoj Karmarkar vs. State of Maharashtra thr. P.S.O., PS, Rajapeth, Amravati & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
AUGUST 20, 2016.**

Heard Shri R.R. Vyas, learned counsel for the applicant and Mrs. M.H. Deshmukh, learned APP for non-applicant No. 1.

Shri Vyas, learned counsel has raised two questions. According to him, the offence under Section 22 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the Act), is non cognizable and hence the entire investigation in relation thereto by Respondent No. 1 is nonest. As such, the fact that the charge sheet has been filed before the Special Court or that the Special Court is looking into said charge sheet, is irrelevant.

On merits, he adds that as the applicant happened to be an employee of father of minor, in that capacity she accompanied father to the police station and acted as per his instructions. As she is not informant or then relative, ingredients of Section 22 of the Act are not satisfied.

We find that the provisions of Section 33(1) of

the above mentioned Act empower the Special Court to take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

In view of this position, without recording anything on merits of the controversy and with liberty to the applicant to raise these challenges before the Special Court, we dispose of the present Criminal Application. No costs.

JUDGE

JUDGE

*GS.

C E R T I F I C A T E

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

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