

2 This is an application under Section 439 of Code of Criminal Procedure. The applicant herein is charge-sheeted in Crime No.34 of 2017, registered at Peth police station, District Nashik, for the offences punishable under Sections 376-C, 376(2)(n), 323 read with 34 of Indian Penal Code and Sections 3, 4, 7, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 17th July 2017, Ms. “X”, who happens to be orphan and was lodged in District Tribal Women Protection of Rights i.e. Balgruh at Nashik. On 17th July, 2017, she informed the police that she is residing in the said Home since 2013. In Diwali vacations of 2015, most of the girls had gone to their relative’s houses and their Superintendent, who happens to be the mother of the present applicant, was also out of station. That her son i.e. the present applicant had called her in the office and had sexually abused her. She was abused on more than three occasions. The victim had informed the Superintendent about the atrocities meted out to her at the hands of the present applicant, however, she was constrained to maintain silence. After the victim had completed 18 years of age, she was sent to another destitute home, where she had disclosed the incident to the office bearers. They had supported her and with their support, she had approached the police station.

4 According to the learned counsel, the applicant herein is falsely implicated in the present case as his mother happens to be

Superintendent of the said Rescue Home. Learned counsel for the applicant vehemently submits that in fact the charge-sheet would show that there were regular visits by the Chairman of the said Welfare Committee Orphanage. The members of the Child Welfare Committee used to interact with each and every child and there were no complaints against the applicant and therefore they were not sure about the truthfulness of the allegations levelled against the present applicant. It is submitted that the victim had not disclosed to her friends till the first information report was filed by her. Be that as it may, the victim is from a less privileged class. She was an orphan. There is every possibility that her voice could not be heard and therefore there is delay in lodging the F.I.R. In view of this, the application being sans merits stands rejected.

5 However, the Sessions Case No.311 of 2017 pending before the Additional Sessions Judge, Nashik stands expedited.

(*Smt. Sadhana S. Jadhav, J*)