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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

***CRIMINAL REVISION APPLICATION (ST) NO.359 OF 2017
WITH
CRIMINAL APPLICATION NO.307 OF 2017***

Manoj Hargovind Gurani	..Applicant.
V/s.	
State of Maharashtra & Ors.	..Respondents.

Mr.Kritika Mishra for the applicant.

Mrs.S.S.Kaushik, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : MARCH 6, 2018

PC.:-

Heard the respective parties.

2. The respondent-accused are prosecuted in Sessions Case No.406/2014 for the offences punishable under the Immoral Traffic (Prevention) Act, 1956.

3. The applicant / complainant moved an application stating that since the victim girl was found to be minor, the

accused should have been charge-sheeted for the offences punishable the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short). The said application came to be rejected by the learned Sessions Judge as the same was found to be without authority as is reflected in the roznama dated October 3, 2016 recorded below Exhibit-29.

4. The learned counsel for the applicant, as such submits that instead of dealing with the merits of the application, the same be considered to be tendered to the Public Prosecutor and the Public Prosecutor be directed to take appropriate steps in accordance with section 301 of the Code of Criminal Procedure.

5. The learned APP does not dispute the representation under section 301 of the Code of Criminal Procedure and would urge that if directed, appropriate steps in accordance with law will be taken.

6. Considered rival submissions.

7. Since the order passed is not going to infringe the

rights of the accused while deciding the issue, notice to the respondents-accused is dispensed with.

8. In the backdrop of the fact that application at Exhibit-29 is tendered to the learned APP along with the main application filed in this Court, it will be appropriate in my opinion, to direct the learned APP, who appears in the Sessions Case No.406/2014, to whom I am informed a copy of the application Exhibit-29 is served, to take appropriate steps in accordance with the provisions of section 301 of the Code of Criminal Procedure. If such steps are taken, the learned Sessions Judge is expected to decide the said application in accordance with law without being influenced by this order.

9. The application is disposed of accordingly.

10. In view of the disposal of the revision application, the criminal application also stands disposed of.

(NITIN W.SAMBRE, J.)