

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

CRIMINAL REVISION APPLICATION No. 475 OF 2017

Hema Rahul Phule

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Subhash Hulyalkar for Applicant
Mr. Y.Y. Dabke -APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 22, 2018

P.C.

1. Heard. Exhibit '57' is an application under section 227 of the Criminal Procedure Code moved in a Special Case No. 436 of 2016 by the Applicant Accused seeking discharge which is rejected by the impugned order dated August 10, 2017. Hence the present revision application.

2. The learned counsel for the Applicant would invite my attention to the narration in the complaint dated 26.3.2016, the statements of the victim girl recorded on April 5, 2016 and would urge that the Applicant is falsely implicated in the crime in question. It is the case of the present Applicant that almost after a period of more than 10 days, the victim girl has attributed a

vague role in the commission of crime in question. He would then urge that perusal of the other material on record does not depict the prima facie involvement of the Applicant in the crime in question. According to him there appears to be a dispute between the actual age of the victim girl viz. Suman.

3. Per contra, the learned APP for the State would oppose the claim and submits that this Court has already expedited the hearing of the trial. According to him, the statement of the victim girl recorded on 5th April, 2016 prima facie speaks of an acute right of the Accused in the crime in question.

4. Considered the rival submissions.

5. While examining the case of the Applicant for discharge under section 227 of Cr.P.C. , it is required to be appreciated whether there exists sufficient material on record to depict the involvement of the Applicant in the crime in question. The offence in question is punishable under Sections 4 and 5 of the PITA Act. The victim girl, in categorical terms in her statement recorded on April 5, 2016, has attributed the specific role to the Applicant thereby forcing her for prostitution. Apart from above, the fact remains that the other investigation depicts of her involvement in the crime in question.

6. In the aforesaid background, the order passed by the Learned Sessions Judge refusing to discharge does not warrant any interference as no jurisdictional error to be noticed. The present Application as such is rejected.

[NITIN W. SAMBRE, J.]