

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

**CRIMINAL REVISION APPLICATION NO. 649 OF 2016
WITH
CRIMINAL APPLICATION NO. 422 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 649 OF 2016**

Mr.Prakash Gopal Salve &Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.Rajesh A.More for the Applicants.

Mr.Vilas Tapkir for the Applicant in APPR No. 422 of 2018.

Mr.A.R.Patil, APP for the Respondent – State

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: OCTOBER 24, 2018**

P.C.:

1. This Criminal Revision Application is directed against the order dated 16th September, 2016 passed by the learned Special Judge, Pune (Under the Protection of Children From Sexual Offences Act, 2012) in Special (C) Sessions Case No. 134 of 2013 thereby rejecting the application filed by the applicants for discharge under Section 227 of the Code of Criminal Procedure.

2. The applicants/accused are prosecuted for the offence punishable under Sections 306 read with 34 of the Indian Penal Code.

3. A minor girl had committed suicide on 15th October, 2013. The present applicants/accused are the parents of the principal accused Aakash Salve. The principal accused Aakash Salve used to follow the victim girl and harass her when she used to go to school and tuition class. On 15th October 2013, in the afternoon, she jumped from water tank. She succumbed to the injuries. Thereafter, the police prosecuted the principal accused and also his parents in C.R. No. 245 of 2013. The applicants/accused have filed discharge application, which was rejected on 16th September, 2016. Hence, this Criminal Revision Application.

4. Heard submissions of the learned counsel for the applicants/accused and the learned APP for the deceased victim girl.

5. Perused the order dated 16th September, 2016 passed by the learned Special Judge, Pune under POCSO. After going through the F.I.R. and statements of all the witnesses, which are produced before this Court, there is no material against the applicants/accused to frame charge under Sections 306 read with 34 of the Indian Penal Code. In the statements of two to three witnesses, they have stated that they had

informed about the behaviour of Aakash to the present applicants/accused. However, the applicants/accused did not pay any heed, but tried to justify the behaviour of their son. At the most, it can be said that the applicants/accused had knowledge that their son was unnecessarily following the deceased victim girl when she was not interested in him and, therefore, the parents i.e., applicants/accused were very arrogant and irresponsible. However, the record placed before the Court does not show any ingredient of abetment to commit suicide. The learned Special Judge, Pune has not considered this aspect at all and has gone wrong in understanding the section itself. Hence, the order dated 16th September, 2016 passed by the learned Special Judge, Pune (Under the Protection of Children From Sexual Offences Act, 2012) is hereby quashed and set aside. The applicants/accused are hereby discharged.

6. Criminal Revision Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)