

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL REVISION APPLICATION (REVN) NO. 194/2017**

Shri Mahesh S/o Dadaji Hazare

..VS..

State of Maharashtra, Thru PSO, PS Wardha City, Wardha (M.S)

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

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Shri M. Rajkondawar, Advocate for the applicant  
Shri N.B. Jawade, APP for the non-applicant/State  
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**CORAM : Z.A.HAQ, J.**

**DATED : 11/10/2018**

This criminal revision application is filed by the applicant/accused no. 2 to challenge the order passed by the learned Additional Sessions Judge, by which application filed by the applicant/accused no. 2 under Section 227 of the Code of Criminal Procedure praying for discharge is dismissed.

The accused are being prosecuted for the offences punishable under Sections 377, 294, 323, 504, 506 and 109 of the Indian Penal Code r/w Sections 4, 6, 12, 17 and 21 of the Protection of Children from Sexual Offences Act. According to the applicant/accused no. 2, he is falsely implicated and there is nothing on record on the basis of which it can be said that the applicant/accused no. 2 is involved in the crime.

According to the prosecution, the crime is committed on the inmates of the Government Inspection Home between 01/06/2011 till 29/07/2016 when the accused no. 1/Ganesh Prabhakar Rajmalwar was the care taker. According to the prosecution, the applicant/accused

no. 2 was the Superintendent of the Government Inspection Home since 2013 and was residing in the premises of the Government Inspection Home. According to the prosecution, information about the commission of anal sexual intercourse with the minor boys residing in the Government Inspection Home was given to the applicant/accused no. 2 but he turned a deaf ear on the issue. The prosecution alleges that the sexual and physical abuse of the minor boys was committed by the accused no. 1 with the connivance and knowledge of the applicant/accused no. 2.

The learned Additional Sessions Judge has recorded in para no. 4 of the impugned order that the statements of the witnesses and various boys who were residents of the Government Inspection Home (recorded under Section 164 of the Code of Criminal Procedure) show that the applicant/accused no. 2 was aware about the sexual and physical exploitation of the minor boys who were residing in the Government Inspection Home.

I find that the learned Additional Sessions Judge has not committed any error by dismissing the application filed by the applicant/accused no. 2 under Section 227 of the Code of Criminal Procedure.

I see no reason to interfere with the impugned order.

The criminal revision application is **dismissed**. In the circumstances, the parties to bear their own costs.

The Sessions Court shall expedite the trial and conclude it within one year.

**JUDGE**