

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

CRIMINAL WRIT PETITION NO.3121 of 2017

Parth Atul Laghate

...Petitioner

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Nilesh Tribhuvann a/w. Ms. Nidhi Chheda and Mr. Gaurav Dua for the
Petitioner.

Smt. A.S. Pai, APP for the Respondent-State.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 09/01/2019.**

P.C.:

. Heard learned counsel for the petitioner and learned APP.
Perused the statement dated 14/2/2017 given by victim, her
supplementary statement dated 28/3/2017. Her statement recorded under
section 164 of Cr.P.C. is also made available for perusal.

2. The contention raised is that after almost 4 years the
allegations have been levelled and said allegations on the basis of which
FIR dated 14/2/2017 is registered do not make out any cognizable offence,
that statement under section 164 of Cr.P.C. does not contain the narration
as in supplementary statement dated 28/3/2017. Learned counsel adds
that the petitioner has certain photographs which show that even in 2017,
relations between the petitioner and respondent Nos.2 were friendly and
the allegations have been made by way of an afterthought and as a part of
some design. He also states that merely because chargesheet is filed, in this
situation this Court should not refuse to intervene. He adds that the present

forum is the right forum for the material which the petitioner is going to rely upon for seeking discharge.

3. Learned AGP on the other hand submits that the narrations on 14/2/2017 are reiterated under section 164 of Cr.P.C. statement and this has resulted into filing of chargesheet. She submits that bare perusal of material on record shows that offence under IPC and also under POCSO Act are made out.

4. We have perused the material, find support on record to the contentions of learned APP. We find that the issues can well be more conveniently looked into by the trial Court. There is nothing extra ordinary in the present matter which requires us to exercise powers under section 482 of Cr.P.C. Hence, keeping all contentions of the petitioner open and with liberty to the petitioner to move for discharge, we dispose of the present petition.

5. At this stage learned counsel submits that he wants to rely upon judgment of Hon'ble Apex Court in case of **Anand Kumar Mohatta vs. State reported in 2018 SCC Online SC 2447** particularly paragraph Nos.16 and 18. We have perused those paragraphs. We have already recorded supra that we are not inclined to exercise extra ordinary jurisdiction in the present matter.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)