

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

CRIMINAL REVISION APPLICATION NO.68 OF 2019

[Rajesh s/o Haridas Gurav .vs. State of Maharashtra, through Police Station Officer, Police Station, Gadage Nagar, Amravati, Tahsil and District-Amravati]

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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 R.J. Shinde, Advocate for the applicant,
Shri I.J. Damle, APP for the non-applicant.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : AUGUST 20, 2019.

The present criminal revision application has been filed against the order dated 19.12.2018 passed by the learned Additional Sessions Judge, Amravati below Exh.5 in Sessions Trial No.15/2018, whereby the learned trial Judge has rejected the application for discharge filed by the applicant.

Heard Shri Shinde, the learned counsel for the applicant and Shri Damle, the learned APP for the non-applicant-State.

The learned counsel for the applicant Shri Shinde contended that on perusal of the entire chargesheet, we do not find any allegations against the present applicant. It is submitted that only because the applicant has rented out the premises to accused no.1 that does not indicate that the applicant was having knowledge that accused no.1 is running a brothel at the rented premises. He contended that the learned trial Judge has erroneously rejected the discharge application filed by the applicant.

Per contra, the learned APP Shri Damle canvassed that there is *prima facie* evidence on record to show that the applicant is the owner of the rented premises. He submitted that the applicant had a knowledge that accused no.1 was running a brothel in the said rented premises and therefore the applicant has even concealed the name of the mediator who introduced the accused no.1 to the applicant and on whose instructions he has let out the premises to the accused.

With the assistance of both the sides, I have gone through the chargesheet filed by the applicant. *Prima facie* the first information report reveals that the raid was conducted at the premises owned by the applicant and on sending the dummy customer, a prostitute was provided to that person on making a payment of Rs.1500/-. It is not at all disputed that the premises is owned by the applicant. In such circumstances, the burden lies on the applicant to show that he did not have any knowledge about running of the brothel at the premises owned by him. *Prima facie* there is material on record against the applicant.

In view thereof, no interference is called for in the order passed by the learned trial Judge. Considering the gravity of the offence, following order is passed :

The Criminal Revision Application is hereby dismissed.

JUDGE