

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

WRIT PETITION NO.5801 OF 2018

Aamir Ayaz Shaikh

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Sangeeta Salvi for the Petitioner.

Mr. S. R. Shinde, APP for the Respondent/State

**CORAM : B.P DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE : 14/2/2020.**

PC.

. The petitioner challenges charge-sheet under sections 376 and 363 as also 354 of IPC read with 4 and 8 of POCSO Act. Contention is when the statement of victim was first recorded, she did not disclose anything about the offence under section 376 of IPC.

2. Learned APP submits that offence alleged is on 28/4/2016 and report was lodged on 29/4/2016. Victim was minor at that time. During course of investigation offence under section 376 came to light.

3. We also find that the petitioner had sought discharge before trial Court and on 6/9/2018 that application was rejected. But that rejection was not questioned before the Competent Court in accordance with law.

4. In this situation, considering the fact that the victim was minor at the relevant time, we are not inclined to intervene in extraordinary jurisdiction.

5. We keep all contentions of the petitioner open and with liberty to the petitioner to raise it at appropriate juncture, dispose of the present matter.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)