

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 130 OF 2022

'X' through
Mother and Natural Guardian 'Y' ...Petitioner.
Versus
Senior Inspector, Rabale Police
Station & Ors. ..Respondents.

Mr. Gaurav Bhawnani and Mr. Shahabuddin Shaikh, Advocate for
petitioner.
Ms. M. M. Deshmukh, APP for Respondent-State.
Mr. Prashant P. Raut, Advocate for Respondent No. 4.

CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.

Date : September 20, 2022.

P. C. :

1. The petitioner is before this court raising a grievance that her minor daughter was subjected to sexual exploitation and the investigating agency failed to take appropriate steps commensurate to the seriousness of crime; the investigating agency was also not serious in collecting the material against accused persons.

2. The matter was listed before this Court and time was sought for by learned APP on the ground that the instructions were awaited. Today, learned APP has made available the copy of

communication addressed to the office of public prosecutor dated 27th July 2022 along with certain material. The perusal of communication shows that initially charge-sheet was filed on 9th August 2021 but subsequently certain additional steps were taken; the victim was subjected to fresh medical examination; the statements of some of the witnesses were recorded. The statement of victim was recorded pursuant to the directions of Chairperson of Child Welfare Committee in the presence of counsellor. In view of this additional material, the investigating officer has filed the supplementary charge-sheet in the Court on 8th March 2022 and the Court has accepted the same on 18th July 2022. In the supplementary charge-sheet, offences punishable under sections 376(2)(F), (N), 376(3), 354(A)(3), 506 of the Indian Penal Code, 1860 and Sections 4, 5(M), (N), 6, 10, 11(3) and 12 of the Protection of Children from Sexual Offences Act, 2012 are invoked against the accused persons.

3. It is submitted before this Court that during the pendency of investigation, one of the accused had expired, as such the abated summary was submitted to the Court.

4. Learned counsel Bhawnani appeared for the petitioner submitted that in view of the filing of supplementary charge-sheet on 8th March 2022, the grievance raised in the petition no more survives. As

such we see no reason to keep the petition pending now before this court. Accordingly the petition is disposed of.

[N. R. Borkar, J.]

[Prasanna B. Varale, J.]