

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

CRIMINAL APPEAL NO. 867 OF 2021

Ganesh @ Shubham Tukaram Pawar

..Appellant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Satyavrat Joshi a/w. Mr. Nitesh Mohite i/b. Mr. Ashraf A. A. Shaikh for Appellant.

Ms. G. P. Mulekar, APP for State/Respondent.

Respondent No.2 present in person for himself and for Respondent No.3.

**CORAM : S. S. SHINDE AND
SARANG V. KOTWAL, JJ.**

DATE : 2nd MAY 2022.

PC :

1. Leave to amend is granted to remove the objectionable photographs and averments and also to conceal the identity of the victim and her family. Amendment to be carried out forthwith.

2. Heard the parties. After advancing the arguments, when we expressed our disinclination to grant relief in this appeal, learned counsel for the Appellant prays for unconditional withdrawal of this appeal.

3. Permission is granted. Appeal is allowed to be withdrawn unconditionally and is disposed of as such.

4. Learned counsel for the appellant, however, prays that since the appellant is young boy of 19 years of age when he was arrested, the trial be expedited. Considering this request and also taking into account the fact that the appellant is indeed a young boy of 19 years of age, the trial is expedited.

5. In the affidavit in reply, filed by the Respondent No.2, following reliefs are sought:

- “a] By a suitable order / direction, this Hon’ble High Court may be pleased to take suo-moto contempt of Hon. Supreme Court action against contemnors including advocate for accused-appellant.
- b] As per Section 15A (8) of SCST Act, by a suitable order / direction, this Hon’ble High Court may be pleased to direct respondent no.1 to register FIR against offenders including advocate for accused-appellant for cognizable offence punishable u/s 228A of Indian Penal Code r/w Section 23 of POCSO Act 2012 r/w section 15A (8) of SCST Act.
- c] By a suitable order / direction, this Hon’ble High Court may be pleased to direct respondent no.1 to register FIR against

offenders including advocate for accused-appellant for cognizable offence punishable u/s 14 r/w 13 of POCSO Act r/w Section 67b of Information Technology Act 2000.

- d] By a suitable order / direction, this Hon'ble High Court may be pleased to prevent browsing / publication / circulation / transit of such objectionable photo (child pornography), Copy of annexure D, E (if any) and direct appropriate authority to delete it permanently."

6. The Respondent No.2 who appears as party in person stated that, he does not have grievance against Advocate Shri. Satyavrat Joshi and Shri. Nitesh Mohite. However, he has grievance against the Advocate who had filed this Appeal. Since we are disposing of the Appeal with aforesaid directions, the Respondent No.2 is at liberty to take appropriate steps in accordance with law by separate proceedings for redressal of his grievance.

(SARANG V. KOTWAL, J.)

(S. S. SHINDE, J.)