

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

CRIMINAL REVISION APPLICATION NO. 159/2022

Tushar s/o Ram Sangole .vs. The State of Maharashtra through PSO P.S. Khadan, Dist.
Akola and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. K. Bezalwar, Advocate for applicant.
Mr. N. S. Rao, A.P.P. for non applicant no.1-State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 15.07.2022

Heard Mr. Bezalwar, learned counsel for the applicant.

2. The application challenges the order dated 08.02.2022 passed by the learned Additional Sessions Judge, Akola whereby the application for discharge filed by the present applicant has been dismissed.

3. Mr. Bezalwar, learned counsel for the applicant submits that a case for discharge has been made out since, according to him, the allegations made in the complaint filed by the complainant dated 09.12.2018 regarding the incident dated 06.12.2018, are false on the ground that the complainant as well as her family members, have been bent upon harassing the applicant and his family members for which he invites my attention, to Annexure A-4 (Page 106), according to

which, a series of complaints, are claimed to have been filed against the applicant and his family members.

4. The mere filing of complaints *inter se* by the two groups of family members, by itself cannot be a ground for discharge. The impugned order, in para 5 categorically records the nature of the incident and the fact that it squarely falls under the provisions of Section 11 (i) of the Protection of Children From Sexual Offences Act. Nothing has been pointed out to me regarding non applicability of section 11 (i) of the POCSO Act, except for a contention that the allegation is false. Such a contention, by itself, cannot be a ground to discharge the applicant since the nature of allegations indicate that the same will have to be tested on the basis of trial.

I therefore do not see any reason to interfere. The application is dismissed.

JUDGE

kahale