

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.544 OF 2023

DEEPAK HANUMANT MALI-YADAV  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Petitioner : Mr. P. P. More  
APP for Respondents: Mrs. G. L. Deshpande

...

CORAM : R.M. JOSHI, J

DATE : AUGUST 29, 2023

PER COURT :

1. Perusal of the Petition shows that it is the contention of the Petitioner, who is accused in Sessions Case No. 71/2021 that having regard to the FIR the case needs to be tried by the POCSO Court.

2. The record indicates that the charge has not been framed against the Petitioner. Though the Counsel for the Petitioner makes statement that the charge can be framed against the Petitioner under Protection of Children from Sexual Offences Act (for short '**POCSO Act**'), it is for the trial Court to apply its mind to the material evidence in the charge-sheet and to frame charge accordingly. This Court, therefore, refrains making any observation in this regard.

3. Suffice it to say that even on application of provisions of POCSO Act the Judge before whom the proceeding is pending would be competent to try the offence under the said provisions and hence, no case is made out for transfer of the proceeding of S.C. No. 71/2021.

4. In view of above, there is no substance in the Petition. Petition stands dismissed.

(R.M. JOSHI, J.)

Malani