

rajshree

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

CRIMINAL REVISION APPLICATION NO.228 OF 2019

Rajendra Ananda Magdum & Anr.	]	..	Applicants
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Ujwal Agandsurve for the Applicants.

Mr.S.R. Agarkar, APP for the State.

Mr.Vijay Garad, for Respondent No.2.

HC Ganesh Jagtap, Solapur Rural, Temburni Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 29th August, 2023.

P.C.

1] In continuation of the order passed by me on 21.04.2023 the learned counsel for the Applicants has produced before me the verification statement of the victim girl and her mother, as well as the statement recorded under Section 164 of the Cr.P.C.

In the order dated 21.04.2023, considering the argument advanced, I had recorded that it was strange, as to how a Police Officer who has filed report under Section 169 Cr.P.C. based on the statement of the victim girl, can be issued a process on a private complaint filed for alleged commission of the offence punishable under Section 7, 8, 9, 10, 11 and 12 of the POCSO Act.

2] The answer lies in the verification statement recorded by the Magistrate in support of the private complaint filed under Section 200 of the Code.

In the verification statement the victim girl had narrated that on 10.08.2017, while she was kept in the Police Station, the Applicants outraged her modesty and she also make reference to insulting treatment meted out to her on the pretext that she was friendly with Kiran and hence should behave in a lite manner with them.

The verification statement is recorded in presence of the Magistrate bear his signature as well as that of the victim girl. Similarly, the statement of her mother, also record that her daughter was below 18 years.

3] In the wake of above, no fault can be found in the order of issuance of process on perusal of the complaint and the order dated 16.03.2019, record that prima facie case is made out for issuance of process against the two applicants, the police personnel, under the provisions of POCSO Act and I find no legal infirmity in the same.

Needless to state that the material upon which the applicant place reliance including the statement of the victim girl as well as the statement under Section 164 Cr.P.C. shall be the material in defence, of the accusation levelled against them.

4] Upholding the order passed by the Magistrate, Revision Application is dismissed, as a consequence of which the stay imposed upon the proceedings of the Sessions Case stands withdrawn and it is open for the Special Judge to proceed with the trial.

[BHARATI DANGRE, J]