

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 317 OF 2022

Narendra Dinendra Landge .. Applicant
Versus
Tejswini Ravindra Parekar and ors .. Respondents

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Adv. Drupad Patil for the applicant.
Mr. Prabhat Dubey for respondent no.1 & 2.
Mr. N. B. Patil, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 20th APRIL 2023

P.C:-

1 The present revision application is filed, being aggrieved by the order passed by the Additional Sessions Judge, Pune on 12/4/2022, where he accepted “C” Summary Report in C.R. No. 799 of 2019, registered with Yerawada Police Station.

2 Pertinent to note that the complainant had filed a complaint against the accused persons under Section 22 of the POCSO Act along with section 211, 420, 467, 468, 471, 120B r/w 34 of IPC. The complaint was sent for investigation under Section 156 (3) of Cr.P.C and, pursuant thereto, C.R No. 799 of 2019 came to be registered.

 In the said C.R, four persons were arraigned as accused and worth it to mention that, at the instance of one of the accused, another C.R was registered vide no.013/2017 with the same police station, which had invoked sections 354, 506 of IPC and section 7 and 8 of the POCSO Act. The C.R. was based on

the incident dated 6/01/2017.

3 The investigation in the CR No. 799 of 2019 resulted in a “C” Summary Report, which came to be tendered before the JMFC Court No.5 Shivaji Nagar, Pune. The Summary Report, on culmination of the investigation, recorded that the allegation that the birth certificate of the girl was forged and it was projected as a genuine document, is not proved. It was recorded that her date of birth was 3/6/1998, but the allegation that the documents were forged to depict it as 3/6/1999 was not found to have been established and as a result “C” Summary proceedings were filed. A protest petition came to be filed by the complainant against the said Summary, on the ground that the report is false, frivolous and devoid of any merit.

4 The impugned order consider the merits of the protest petition, being pitched against the Summary Report and the learned Judge arrived at the same conclusion, on perusal of various documents and statement of witnesses, the case of the complainant is neither true nor false, and it appears to have been filed due to mistake in facts. The allegations that the Summary Report do not deserve any acceptance, was found to be without any merit in substance and the said report was accepted.

5 It is this order, which is challenged in the present revision application.

On perusal of the Summary Report as well as the impugned order, I am unable to persuade myself to take any other view, since it is not possible.

The investigation has clearly revealed that when C.R No. 13/17 was investigated, the accused no.1 had given documents showing her date of birth i.e. bonafide certificate from Don Bosco College, a School Leaving Certificate and Aadhar Card as a proof for her age, where her date of birth is recorded as '3/6/1999'. During the investigation of the said C.R, the father of the victim girl produced an original date of birth certificate, which disclose the date of birth as 3/6/1998.

The Investigating Officer, therefore, moved an application before the Court and deleted the POCSO charges and the charge-sheet came to be filed only under Section 354 and 506 of Indian Penal Code and the R.C.C No. 1228 of 2007 is pending before the Court.

6 The detailed order passed by the Sessions Court taking into account the investigation, in which it is concluded that, inadvertently, the date of birth was recorded as 3/6/1999, the Investigating Officer accepted the mistake and based on this, it was concluded that it is not correct that the father of the victim girl initially mentioned the date of birth in admission form as '3/6/1999'. The entire investigation, therefore, lead to a "C" Summary Report, and no fault can be found in the same, which is rightly accepted by the Additional Judge in the impugned order.

Upholding the said order, present revision application is dismissed.

(SMT. BHARATI DANGRE, J.)