



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

986 CRIMINAL WRIT PETITION NO. 1518 OF 2023

Rahul Shankarrao Wadhve.

... Petitioner

Versus

The State of Maharashtra and another.

... Respondents

...

Advocate for the Petitioner : Mr. Yogesh Arun Jadhav.

APP for Respondent/State : Mr. S. P. Sonpawale.

Advocate for Respondent No.2 : Mr. Joslyn Menezes.

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 26th July, 2024.

P.C.:

. By this writ petition, the petitioner has challenged the order dated 5th July, 2023 passed below Exhibit-140 in Special Case No.312 of 2021 by learned Special Judge (POCSO Act), Aurangabad.

2 The learned counsel for petitioner submitted that the petitioner has filed application before the Special Judge seeking directions for initiating contempt proceedings against the advocate for assisting the prosecution. But the learned Special Judge without considering the merits of the application, has rejected the said application. The learned counsel further submitted that the learned

counsel for assisting the prosecution is intervening in the matter and prolonging the matter and requested to allow the petition.

3 It is the contention of the learned APP that the offence punishable under the POCSO Act is register against the petitioner. The legal assistance is provided to the complainant as per the provisions of law. Her assistance cannot be termed as contempt. The Trial Court has passed well reasoned order. No interference is required in it and requested to dismiss the petition.

4 The learned counsel for respondent No.2 supported the submissions of the learned APP.

5 I have heard all the learned counsel. Perused the impugned order. While passing the order, the learned Special Judge in paragraph No.3 has observed as under:-

“3. Perused the record. The accused is charged for committing the offence under the POCSO Act. This is an special enactment as per section 40 of the Act, victim can seek legal assistance subject to the provisions of section 301 of Cr.P.C. In the present matter, by seeking permission of the court the legal assistance for victim is on record. The learned APP advanced the arguments by seeking instructions of assist to prosecution. This does not

means that there is any competent of order of the court.”

6 On that count, the Trial Court has rejected the application. I do not find any infirmity in it. In my view, assisting the prosecution cannot be considered as contempt and I pass the following order:-

ORDER

The criminal writ petition is dismissed.

[SHIVKUMAR DIGE, J.]

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