



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

CRIMINAL REVISION APPLICATION NO.195 OF 2023

(Ratnamala w/o Haridas Ramteke Vs. State of Maharashtra thr. PSO PS Jaripatka,
Nagpur)

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

Court's or Judge's orders.

Mr. S. R. Jaiswal, Advocate for Applicant (Appointed).
Ms. M. R. Kavimandan, APP for Non-Applicant No.1/State.
Mr. Kanak Mandpe, Advocate (Appointed) for Non-Applicant No.2.

CORAM: G. A. SANAP, J.

DATE: 20th AUGUST, 2024.

Heard.

2. In this revision application challenge is to the order dated 08.02.2023 passed by the learned Extra Joint District Judge-4 and Additional Sessions Judge, Nagpur whereby the learned Judge rejected the application made by the applicant, who is arrayed as an accused no.2 in Special Case No.357/2022 for the offences punishable under Section 354-D, 506 r/w 34 of IPC along with Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Section 66 (c), 67 of the Information and Technology Act, 2000 (for short 'IT Act'), for discharge.

3. The applicant is the mother of accused no.1. The accused no.2 is the maternal aunt of the informant. The crime was registered on the report dated 29.05.2022 at Jaripatka Police Station, Nagpur against accused nos.1 and

2. It is alleged that accused no.1 developed intimacy with informant. On 12.04.2019 he demanded some photographs of the documents from the informant. The informant forwarded those documents on a Whatsapp. Thereafter accused no.1 started making phone calls to the informant. He expressed his love for the victim and even went on the extent of giving proposal for marriage to the informant. The informant flatly refused the proposal. Accused no.1 thereafter started harassing her. The fact with regard to the harassment meted out to the informant by accused no.1 has been specifically narrated in the report. It is stated that this fact was brought to the notice of accused no.2 by the parents of the informant. Accused no.2 there upon got annoyed and threatened the parents of the victim that, if a report is lodged against her son, she would file a false report against them and involve them in a false case. This is the only allegation in the entire report against accused no.2 – applicant.

4. After filing of the charge-sheet, accused no.2 – applicant applied for discharge. The learned Judge after granting opportunity of hearing to the parties, rejected the application for discharge. Accused no.2 – applicant has challenged the same order in this revision application.

5. I have heard the learned Advocate for the applicant – accused no.2, the learned APP for the State and learned Advocate Mr. Mandpe for the victim. Perused the record and proceedings.

6. On perusal of the report and proceedings, I am satisfied that there is no allegation against the applicant – accused no.2 of a commission of the offences under Section 354-D, 506 r/w 34 of IPC along with Section 12 of the Protection of Children from Sexual Offences Act 2012 and Section 66 (c), 67 of the Information and Technology Act, 2000. It is seen that the only allegation made in the report is that when the harassment meted out to the victim by accused no.1 it was brought to her notice, she was annoyed and she extended the threat of false implication to the parents of the victim. Perusal of the report would show that there is no iota of evidence to sustain the prosecution against accused no.2. Accused no.2 has been made to face the prosecution simply because of the fact that she is the mother of accused no.1. Perusal of the record would show that there is no evidence against accused no.2. The allegation against accused no.2 in the report even if taken at its face value, would show that there was no reason to file a charge-sheet against her. The learned Judge has failed to consider the material placed on record in juxtaposition with the allegations made against accused no.2 in the report. In the facts and circumstances, I conclude that this prosecution against accused no.2 is groundless. No offence is made out against accused no.2. Therefore, the learned Judge was not right in rejecting her application for discharge.

7. Accordingly, the application is allowed. The order dated 08.02.2023 is quashed and set aside. As a result

thereof, the application made by accused no.2 Exhibit-4 is allowed. She is discharged as an accused in Special Case No.357/2022. The application stands disposed of. In this case the charge has been framed. As a result of the above, the charge is also quashed and set aside as against accused no.2.

8. The fees of the learned appointed Advocate Mr. S. R. Jaiswal for the applicant and Mr. Kanak Mandpe for non-applicant no.2 be quantified and paid in accordance with the rules.

(G. A. SANAP, J.)