

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

**INTERIM APPLICATION NO. 2710 OF 2025
IN
REVISION APPLICATION (ST) NO. 14936 OF 2025**

Kishor Andres Shelke

...Applicant

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Pratik B. Ranade	Advocate for the Applicant
Ms. Sangeeta E. Phad	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 22nd AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Applicant-accused and learned APP.

2. The Respondent No. 2 is first informant. The offence is under Section 376 (2)(n) of the Indian Penal Code. Initially, he prayed for discharge before the Sessions Court, Vadgaon, Maval, Pune. However, it was rejected. Instead of filing a revision application, the Applicant has wrongly filed a Criminal Application. The Division bench, on

30.06.2025, granted liberty to file a revision. That is how, there is a delay in filing revision application. Initially, the Respondent No. 2 was not served. Today also I do not think she needs to be served.

3. Learned APP opposed the prayer.

4. Considering the fact that the Applicant was prosecuting in the wrong proceedings, I am inclined to condone the delay.

5. Hence, interim application is allowed in terms of prayer clauses 'A' and 'B'.

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6. Issue notice to the Respondent No. 2 returnable on **16th October 2025.**

7. The case is fixed before the trial court on 29.08.2025 for framing of the charge. If the charge is framed, it is made clear that it will be set aside, if the Applicant succeeds in the revision.

[S. M. MODAK, J.]