



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 59 OF 2025

1. Rushikesh S/o Mangalsingh Patil
Age: 23 years, Occ. Student,
R/o Ravla Tq. Soygaon
Dist. Aurangabad.
2. Akash S/o Mangalsingh Patil
Age: 20 years, Occ. Agricultural
R/o Ravla Tq. Soygaon
Dist. Aurangabad.
3. Anandsingh S/o Chandrasingh Patil
Age: 41 years, Occ. Agricultural
R/o Ravla Tq. Soygaon
Dist. Aurangabad.
4. Sahebrao Khushalsingh Patil
Age: 28 years, Occ. Agricultural
R/o Ravla Tq. Soygaon
Dist. Aurangabad.
5. Amarsingh Chandrasingh Patil
Age: 43 years, Occ. Agricultural
R/o Fattepur, Tq. Jamner
Dist. Jalgaon

...Applicants

Versus

1. The State of Maharashtra
2. XYZ
R/o Ravla Tq. Soygaon
Dist. Aurangabad.

...Respondents

- Mr. K. A. Ingle, Advocate for the Applicant
- Mr. B. V. Virdhe, APP for the Respondent/State
- Mr. S. P. Salgar, Advocate for the Respondent No. 2 (appointed through legal aid)

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : FEBRUARY 26, 2026
PRONOUNCED ON : MARCH 04, 2026

ORDER:

1. Original Accused Nos. 2 to 6 in Crime No. 108 of 2023 registered at Fardapur Police Station, Aurangabad have pressed instant Revision urging to discharge them from above crime under Section 227 of the Code of Criminal Procedure.

2. Learned Counsel for the Revision Petitioners pointed out that, there is false implication. That, main accused is not before this Court. That, there are allegations that, victim was 17 years of age. That, there were allegations of outraging of modesty but such allegations are directed against accused no.1. That, there was previous animosity. As against present Revision Petitioners are concerned, there is merely issuing threats and merely beating father of the girl. That, the statement of the girl also shows that, after the alleged episode of outraging modesty, that too by accused no.1, name of the present Petitioners have surfaced. That, allegations are vague and no specific role is attributed to any of the Petitioners and, therefore, with such material, it is the case is put forth that, it is a fit case for discharge but learned Trial Court failed to consider the same.

3. The above Application has been opposed by learned APP and Counsel appearing for Respondent No.2, who pointed out that, there is statement of the girl and also statement of independent eye witnesses, roles are clear, statements recorded under Section 164 Code of Criminal Procedure are consistent, charge is already framed and now trial is about to commence. For above reasons, Revision is sought to be dismissed.

4. Heard. Perused the papers.

5. Before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of *State of Bihar v/s Ramesh Singh (1977) 4 SCC 39*; *Union of India v. Prafulla Kumar Samal and Another (1979) 3 SCC 4*, and a decade back in the cases of *Sajjan Kumar v. Central Bureau of Investigation (2010) 9 SCC 368*; *Amit Kapoor v. Ramesh Chander and another (2012) 9 SCC 460*; *State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others. (2014) 11 SCC 709*; *Asim Shariff v. National Investigation Agency (2019) 7 SCC 148*; and *Ram Prakash Chadha v. State of Uttar Pradesh (2024) 10 SCC 651*.

6. It appears that, above crime is registered on the strength of statement of a girl aged 17, who reported that, on 28.07.2023 at around 09.45 am, while she was proceeding with her father on motorcycle to take admission for B.Com first year, at that time, it is alleged that, Mangalsingh Patil and two others namely, Rushikesh and Akash intercepted their way and her father was threatened to withdraw the case or else, she would be done to death and on saying say, she stated that, said Mangalsingh caught her hand and threatened to defame her and scuffled with her. Thereafter, she reported that, son of Mangalsingh, namely, Akash dealt blow with handle of axe on the head of her father and caused bleeding injury. Then she stated that, relatives

of Mangalsingh, namely, Anandsingh, Sahebrao, Amarsingh came there and they also beat her father. Therefore, present Revision Petitioners are apparently named.

7. Crime is registered for offence under Sections 354, 354A, 143, 147, 148, 149, 323, 324, 504 B of Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act. Charge-sheet carries date of birth of victim and also her statement is recorded under Section 164 CrPC, which *prima facie* seems to be consistent. Therefore, in the light of availability of such material, it cannot be said that, there is no material or allegations against present Petitioners so as to extent benefit of discharge, more particularly, when learned Counsel for Respondent pointed out that, when charge is framed and answered by revision Petitioners.

8. In view of above, there being no merit in the Revision, Revision Petition stands dismissed.

9. Fees of appointed Counsel for Respondent No. 2 is to be quantified by High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)

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