



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 288 OF 2025

Shashikant Ramdas Magar

...Applicant

Versus

1. The State of Maharashtra
Through Investigation Officer,
MIDC Police Station, Ahmednagar,
Tq. & Dist. Ahmednagar.

2. XYZ

...Respondents

- Mr. A. V. Avhad, Advocate for the Applicant
- Mr. S. M. Ganachari, APP for the Respondent/State
- Ms. T. V. Jadhav, Advocate for Respondent No. 2 appointed through Legal Aid.

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : JANUARY 21, 2026
PRONOUNCED ON : JANUARY 23, 2026

ORDER:

1. By invoking Section 397 read with Section 401 of Code of Criminal Procedure (“**Cr.P.C**”), present Revision Petitioner assails the order passed by learned Additional Sessions Judge, Ahmednagar in Special Case No. 332/2023 on Application Exhibit 16, thereby rejected prayers for discharge from offence under Section 376(2)(n) & 506 of the Indian Penal Code (“**IPC**”), but only discharged the Revision Petitioner from offences under Sections 4 & 12 of Protection of Children from

Sexual Offences Act (“**POCSO Act**”).

2. Learned Counsel for Revision Petitioner would point out that, on report of victim, Crime bearing no. 854 of 2023 was registered with MIDC Police Station, Ahmednagar. That, Revision Petitioner is not named in the FIR. He pointed out that, present Revision Petitioner is arraigned as accused no. 2 on the strength of supplementary statement given by victim that too on 20.09.2023 i.e. after 6 days of FIR and that he merely happens to be friend of main accused, who had committed the above offences. It is pointed out that, there is no presence or participation of present Revision Petitioner at the time of incident. That, only role attributed to Revision Petitioner is of accompanying the victim up to the Samarth lodge and nothing beyond that. Learned Counsel points out that, at that time victim had attained the age of majority. Therefore, according to him, along with other offences under POCSO Act, learned Trial Court ought to have discharged him from offence under Section 376(2)(n) of IPC also. Resultantly, he prays to allow the Revision. He seeks reliance on the judgment in case of *Prashant vs. State of NCT of Delhi*, Special Leave Petition (Criminal) No. 2793/2024.

3. Learned Counsel for Victim as well as learned APP both opposes the Application on the ground that, Revision Petitioner is

specifically named and was instrumental in bringing the girl to the lodge, after which main accused committed offence on the minor. That, subsequently, charge of 107 of IPC for abetment has been invoked in the above charge. They both submit that, as role of Revision Petitioner is equally important in bringing the girl to the main accused, he too has rightly been arraigned as an accused and there being sufficient material of even issuing threats to commit offence on her failure to accompanying, they both justifies the order of rejection passed by learned Additional Sessions Judge.

4. Learned Counsel appointed for Victim seeks reliance on judgment of Hon'ble Apex Court in the case of Captain ***Manjit Singh Virdhi (Retired) vs. Hussain Mohammed Shattaf and Others***, (2023) 7 SCC 633.

5. Perused the first information report ('**FIR**') at the instance of victim dated 13.09.2023 so also supplementary statement dated 20.09.2023. Victim, who gave her age as 20 years, reported police that, since 2019 she got acquainted with one Pavan Nandu Sonawane and their friendship grew into love. She claims that, they had snapped their photo together, which were maintained by him in the mobile. According to her, threatening to make the photo known to her relatives, he intends to forceful sexual relations with her and only because of said threats,

she used to accompany him. According to her, in July, 2021 once, while her parents were taking care of her ailing grandfather in the hospital, accused Pavan forced his entry in the house and again raped her against her wish by force. She also claims that, she was called by him at a lodge on his birthday and that time also he raped her. She further reported that, 10 days back her marriage was settled but Pavan went and told the proposed groom side about his love relation and thereby said marriage was called off. Therefore, she lodged above report with police but against Pavan alone, on the strength of which crime seems to have been registered for commission of above offences.

6. Supplementary statement of the informant was got recorded, as pointed out, on 20.09.2023, wherein, she has named present Revision Petitioner. Going by the supplementary statement, the role attributed to present Revision Petitioner is that, he made the victim girl accompany him to the Samarth Lodge where main accused Pavan was waiting for her. According to her, he had threatened her that, if she does not join him, he would also sleep with her and he allegedly took her on the motorcycle to said lodge.

7. In the light of above supplementary statement, *prima facie* role of present Revision Petitioner is also emerging. Statement is made across the bar by learned Counsel for Victim that, subsequently charge

for abetment is added, if this is so, it cannot be said that, there is no material against Revision Petitioner to make him face trial. Hence, I proceed to pass following order:

ORDER

Criminal Revision Application stands dismissed.

(ABHAY S. WAGHWASE, J.)