S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 172 OF 2025

Ravi Shyamlal Purohit … Applicant

VERSUS

The State Of Maharashtra & Anr. … Respondents

Ms. Mallika Sharma a/w. Ms. Asha Joshi, Advocate for Applicant.
Mr. S.R.Agarkar, APP for the Respondent-State.
Ms. Roshni Singh, Advocate for Respondent No.2.
Respondent No.2 present in person.
Mr. Shahid Khan, PSI, Dahisar Police Station, present.

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2026.08.21 18:32:46 +0530

CORAM : SHIVKUMAR DIGE, J.
DATE : 11th AUGUST, 2026.

P.C. :

1. The learned counsel for the Respondent No.2 tendered affidavit in reply. It is taken on record.

2. The challenge in this Petition is to the impugned order dated 12.03.2025 passed by the learned Session Court, Dindoshi, whereby the learned Special Court has rejected the discharge application of the applicant.

3. It is prosecution's case that the applicant sexually assaulted the victim and impregnated her. The applicant is the real brother of the victim.

4. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The victim had lover affair with the accused No.2 and she has performed marriage with him. The DNA report shows that the DNA of the child does not match with the DNA of the applicant. In the 164 statement, the victim has not stated about the alleged sexual assault done by the applicant. But these facts are not considered by the learned Sessions Court and requested to allow the application.

5. It is contention of learned APP that learned Sessions Court has passed well reasoned order, no interference is required in it and requested to reject the application.

6. It is contention of learned counsel for the Respondent No.2 that the matter is settled out of Court. Respondent No.2 has no objection to allow the application and she has performed marriage with the accused No.2.

7. I have heard all learned counsel. Perused impugned order and documents produced on record. The allegations against the applicant are that he sexually assaulted the victim and impregnated her. In supplementary statement, the victim has not stated anything against the applicant and has stated that the said sexual assault was done by the accused No.2. The DNA report of the child does not match with the

applicant. The victim has performed marriage with the accused No.2. The allegations against the applicant appears to be false as DNA of the child delivered by the victim does not matches with the DNA of the applicant. But these facts are not considered by the learned Sessions Court. If trial is permitted to continue against the applicant, it would amount to abuse of process of law and I pass following order.

ORDER

(i) The Revision Application is allowed and disposed of.

(ii) The applicant is discharged from Special Case No. 62 of 2022 arising out of FIR No. 1225 of 2021 registered at Dahisar Police Station.

(SHIVKUMAR DIGE, J.)