IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 542 OF 2026

Koonushetti Amulu Veera Ganesh Rao ...Applicant
Versus
The State of Maharashtra ...Respondent

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SNEHA NITIN CHAVAN
Digitally signed by SNEHA NITIN CHAVAN
Date: 2026.10.22 18:11:14 +0530

Mr. Adnankhan Sakharkar for the Applicant.
Mr. Sagar Agarkar, APP for Respondent/State.
PSI Mr. Gangaram Meghwale, attached to Kanjur Marg Police Station.

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CORAM : M.M. SATHAYE, J.
DATE : 22nd OCTOBER, 2026

P.C. :

1. Heard learned Counsel for the parties. Perused the record.

2. By the present application, accused No.10 is challenging an order dated 10.08.2026 passed below Exh.9 in Sessions Case No. 77 of 2025 by the Additional Sessions Judge, Gr. Bombay, rejecting discharge application. Discharge application was filed by the Revision Applicant under Section 227 of the Code of Criminal Procedure, 1973 ('CrPC' for short) seeking discharge from offence punishable under Sections 370, 120(B), 201 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 80 and 81 of The Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Learned Counsel for the Applicant submitted that the Applicant is not aware of any transaction about sale/purchase of a child and she had only served tea and snacks in the meeting that took place between the co-accused - Sharda alias Shakila and Mangtayaru.

4. Learned APP has supported the impugned order contending *inter alia* that transaction regarding sale of child with the absconding

accused has taken place in the house of the Applicant and in the statement of the Revision Applicant it recorded that her sim card was permitted to be used by accused Mangtayaru who is sister-in-law of the Revision Applicant.

5. It is settled position of law that at the time of deciding discharge application, the Court has to look into *prima facie* case and it is not necessary to enter into pros and cons of the matter or weighing and balancing of the evidence. The Court is expected to merely sift the evidence in order to find out whether there is sufficient ground for proceeding against the accused. It is trite that at the stage of considering discharge application, the Court has to proceed with assumption that the material brought on record by the prosecution is true and evaluate it with a view to find out whether facts emerging taken at its face value discloses existence of the offence. Also at the stage of deciding discharge application, mini trial is not permitted and the High Court sitting in revisional jurisdiction cannot sit as an Appellate Court and start appreciating the evidence and the High Court has to be cognizant of the fact that the Trial Court was dealing with discharge application. Useful reference can be made to paragraph no. 7 of **Union of India v/s. Prafulla Kumar Samal and Anr. (1979) 3 SCC 4**, paragraph no. 29 of **State of Tamilnadu V/s. N. Suresh Rajan and Ors. (2014) 11 SCC 709**, paragraph no. 15 of **State of Rajasthan v/s. Ashok Kumar Kashyap (2021) 11 SCC 191** and Paragraphs 10 and 17 of **State of Gujarat v/s. Dilipsinh Kishorsinh Rao. (2023) 17 SCC 688.**

6. In light thereof, having heard learned Counsel for the parties and on perusal of the impugned order, no case for discharge is made out for following reasons.

(i) The offence involved is serious, in respect of human trafficking as

according to the prosecution, it involves sale/purchase of a child.

(ii) Perusal of the statement of Revision Applicant recorded through a translator, indicates that Revision Applicant has stated that in front of her house one 4 wheeler came from which a lady got down and at that time, the main accused has handed over a child brought by her to the lady from the car. It is not disputed that the lady who has accepted child is a sister-in-law of the Revision Applicant who was permitted by the Revision Applicant to use her sim card.

(iii) According to the prosecution, the child was abducted and thereafter taken to various place and lastly sold to the absconding accused. The case of the prosecution that transaction has taken place in the house of the present Revision Applicant is *prima facie* supported by the statement of the Revision Applicant, as explained above.

(iv) The learned Judge has rightly held that though Revision Applicant has claimed that she is unaware of the transaction, the allegations that transaction has taken place at her house is not denied and the use of mobile phone/sim card by the absconding accused is also borne out from the statement.

(v) Learned Trial Judge has rightly held that according to the prosecution, this is the case of conspiracy and every member of the conspiracy who had aided in committing crime, is equally liable.

7. For the aforesaid reasons, no fault can be found with the impugned order. There appears *prima facie* case against the Revision Applicant.

8. Criminal Revision Application is accordingly dismissed.

(M.M. SATHAYE, J.)