

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 595 OF 2024

Haroon Hamza Rashid

... Applicant

VERSUS

The State Of Maharashtra and Ors.

... Respondents

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2026.05.06
12:54:56
+07'00

Mr. Anurag P. Ghah, Advocate for Applicant.

Mr. M.G.Patil, APP for the Respondent-State.

Ms. Divya Parab a/w. Mr. Rajesh, Advocate for Respondent No.2.

WPSI – Phate, Khadki Police Station, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2026.

P.C. :

1. The challenge in this Revision Application is the order passed by the learned Sessions Court, Pune in Sessions Case No. 45 of 2020 whereby the learned Sessions Judge has rejected the discharge application of the applicant.

2. It is prosecution's case that the first informant worked as a Ward Assistant in the Military Hospital, Range Hills, Khadki, Pune whereas the applicant worked as a Master of another ward in the same hospital. Informant is the deaf and mute since birth. It is alleged that in the month of January-2015, the applicant sexually assaulted the informant by taking her to the washroom of the hospital. The applicant and co-accused

S.S.Kilaje

threatened the applicant not to disclose the said act to anyone. It is alleged that thereafter, the co-accused also sexually assaulted the first informant by threatening her.

3. It is contention of learned counsel for the applicant that the offence is registered three years after the incident. At the time of alleged incident, the applicant was serving at Manipur, Assam. He has no concern with the said incident. No evidence is produced on record to show the involvement of the applicant. But this fact is not considered by the learned Sessions Judge and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that there are whats-app chats produced on record to show that there was friendship between the applicant and victim. After the sexual assault on the victim, she tried to confide in her co-worker but due to her inability to speak and hear, she could not be understood. The charge-sheet has recorded reasons for delay. To prove the innocence of the applicant, trial is required and requested to reject the application.

5. I have heard all learned counsel. Perused charge-sheet and impugned order. There is three years delay in lodging the complaint. The documents produced on record shows that in the month of January, the applicant was serving at Manipur. The informant alleges that during that period the applicant sexually assaulted her. It creates doubt about the

S.S.Kilaje

alleged incident. As observed earlier, there is three years delay in lodging the complaint and there is no sufficient evidence produced on record against the applicant. The applicant is a soldier serving in the military. If trial is continued, it will be an abuse of process of law and I pass following order:

ORDER

- (i) Impugned order dated 24.09.2024 passed by Additional Sessions Judge, Pune, is quashed and set aside.
- (ii) The applicant is discharged, for the offence punishable under Sections 376(2)(e), 376(2)(i), 376(2)(n), 354-A r/w. 34 of Indian Penal Code, 1860 (for short “IPC”)

6. Revision Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)