

Reg. Cri. Case No. 57/2001

CNR No. MHKO030000122001

Order below Exh. 53

Perused application, charge sheet & material on record and heard argument of both sides.

02. On behalf of accused No. 44 this application is moved for discharging him for the offences u/s. 292, 293 r/w. Section 34 of The Indian Penal Code vide Section 239 of The Code of Criminal Procedure.

03. As per prosecution story, accused No. 1 Shashikant Parshuram Neje had taken the Friends Video Centre for running the business of Video Centre. Accused No. 2 also helps accused No. 1 in conducting the said business. Accused No. 54 is the person from whom obscene film was purchased by accused No. 1 and 2 for displaying the same in their Video Centre and other accused are the persons who were watching the blue film in above said centre of accused No. 1. On perusal of Section 292 and 293 of Indian Penal Code it is clear that what is prohibited under these sections is possession, sale, distribution of obscene film and to sale of obscene film to young person. On perusal of proceeding and complaint, it is no doubt clear that accused No. 44 is mere spectator of blue film and he has no concerned with possession of blue film or its displaying. In present case charge leveled against the accused is under Section 292, 293 read with 34 of The Indian Penal Code. Through out the investigation in this case shows that applicant accused is the mere spectator. Being mere spectator, question of possessing, circulating selling, obscene object to young persons does not arise in respect of

accused/applicant. Thus from the material available on record it is clear that there are no sufficient ground to proceed against the accused for the alleged offences. Thus accused is entitled to discharge as prayed. Hence, I proceed to pass the following order :-

ORDER

01. Application is allowed.
02. Accused No. 44 – Shekhar Suresh Mole is discharged from the offences punishable u/s. 292, 293 read with section 34 of Indian Penal Code, 1860.
03. The bail bond of the accused No. 44 stands cancelled.

Date : 07.08.2018.

sd/-
(S. P. Agarwal)
Chief Judicial Magistrate, Kolhapur.

I affirm that, the contents of this PDF file order are same, word to word, as per the original order

Name of the Stenographer	Sagar Ramchandra Sarnaik.
Name of the Court	Chief Judicial Magistrate, Kolhapur.
Date of Dictation	07-08-2018.
Order signed by the P.O. On	09-08-2018.
Order uploaded on	10-08-2018.