



Sessions Case No.72 of 2023.

State of Maharashtra Vs.

Vijay Vasant Patil & Ors.

CNR No.MHRG150005822023.

:: ORDER PASSED BELOW EXH.31 ::

The present application has been filed for discharge u/s.227 of Criminal Procedure Code, 1872 (in short “Cr.PC) by the **accused No.1 Vijay Vasant Patil**, in respect of offence punishable U/s.374 r/w.34 of Indian Penal Code, 1860(in short “IPC”) and Section 75 & 79 of Juvenile Justice Care and Protection of Children Act, 2015 (in short “JJ Act”).

Prosecution case in brief is as under :

2) On 12.07.2023, the first informant who is Government Labour Officer visited site of Grasim Industrial Ltd. Where he found child namely Devakumar Dilip Lohara, age 15 years from Jharkhand State, was working there. On inquiry with said child, it was revealed that, said child was working with M/s. Rohan Building India Pvt. Ltd., which is main contractor, through sub-contractor M/s. Vidyabhushan. Accused No.1 is site in-charge of M/s. Rohan Building India Pvt. Ltd. and accused No.2 is a owner of M/s. Vidyabhushan. The said M/s. Rohan Building Pvt. Ltd. has undertaken construction work at Grasim Industrial Ltd., (Paint Division), M.I.D.C. Hence, offence was registered against accused No.1 & 2.

3) Ld. Advocate Shri Palshetkar for Accused No.1 submitted that, there is no prima facie evidence against the

accused to frame charged against them. The accused has taken prior permission and labour license from concerned department. As per said license no child labour is permissible in said project. The accused has maintained registered of laborers working on site, wherein no entry in respect of attendance of said child was mentioned. Hence, Investigating Officer has not seized said register. Further, not a single witness stated name of accused person is a recruiter of said child in M/s. Grasim Industrial Ltd.. Hence, prayed for discharge.

4) The Ld. Assistant Public Prosecutor Shri. Tendulkar, strongly opposed said application by filing say at Exh.34. He submitted that, the offence is serious in nature. The informant found said child was working at site of M/s. Grasim Industrial Ltd., where accused No.1 is a site in-charge of his contractor. Likewise, there are statements of witnesses. Hence, there is prima facie evidence against the accused in the chargesheet. Thus, prayed for rejection of application.

5) Heard both the sides. Perused application, and say filed by Ld. APP and chargesheet. Following points arise for determination and my finding thereon as under.

Sr. No.	Points for determination	Findings
1.	Whether there is no sufficient ground for proceeding against the accused?	No.
2.	What order?	As per final order

REASONS

6) It appears that, age determination report of child was filed in chargesheet, wherein, opinion regarding age of said child is mentioned as 12 years to 18 years. Likewise, there are statements of witnesses who stated that, informant visited said site on 12.07.2023 and found said child was working at site of M/s. Grasim Industrial Ltd., where accused was site in-charge of contractor. So also, panchanama is on record. Statement of child and his mother was also recorded. All these material in the chargesheet shows that, there is prima facie material for proceeding against the accused.

7) It is settled law that, while deciding application for discharge under section 227 of Cr. P.C, the Judge has merely to sift the material in the charge sheet in order to find out whether there is sufficient ground for proceeding against the accused. Besides it, the Court should not conduct mini trial at the time of deciding discharge application.

8) On perusal of chargesheet it appears that, there is prima facie material against the accused for proceeding against him. Hence, I answer point no.1 in the negative. Thus, I proceed to pass following Order.

ORDER

The application (Exh.31) for discharge is rejected.

Sd/-

Mangaon.

(M. K. Patil)

Date : 21.11.2025.

Addl. Session Judge, Mangaon.