

Order below Exh.No. 28 in Spl.Case No.9/2023

1. Perused the application and say. By this application, the accused prayed to call the RCC No.99/2023 before this Court which is pending before learned Chief Judicial Magistrate, Ratnagiri for trial. The said regular case is in respect of FIR lodged by accused against the informant of present case. There is likelihood of settlement in both the matters. Therefore said matter be called before this Court for trial.

2. Learned APP strongly resisted the application and submitted that the present matter is under the provisions of POCSO Act. Therefore the provisions of compounding is not applicable to the present matter. It is prayed to reject the application.

3. The contents in application itself show that RCC No. 99/2023 has no nexus with the present case except the fact that the accused of the present matter lodged FIR against the informant of the present matter. The result of that FIR is that chargesheet. This cannot be the ground for calling the chargesheet before learned C.J.M. to this Court. If the matter before Magistrate and the matter before Sessions Court arose out of same incident and between the same parties, then learned Magistrate is empowered to commit a chargesheet under section 223 of the CrPC.. As such the present application has no substance. Hence, I proceed to pass following order.

ORDER

Application is rejected.

Place: Ratnagiri
Date:- 23.06.2025

(A. M. Ambalkar)
Judge, Special Court, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Order below Exh.9 in POCSO Spl. Case No.9/2023
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri
Date of Dictation	:-	23.06.2025
Order signed by the P.O. on	:-	23.06.2025
Order uploaded on	:-	23.06.2025