

Special Case No.60/2025
(State of Maharashtra Vs. Ganesh Waghmare)

Order below Exh.13.

1. This is discharge application filed by accused No.4 u/s. 250 of B.N.S.S. Perused application and say at Exh.16. Heard learned advocate Shri. R.M. Yedape for accused No.4. Heard learned APP Shri. V. M. Deshpande for the State.

2. On perusal of contents of application, it appears that accused No.4 has sought discharge on the ground that names of other accused were taken by the victim as per say of her grand mother. She has stated to have mentioned the names of present accused on the say of grand mother. For this purpose supplementary statement dtd. 04.07.2025 of the victim is relied. After referring contents in the FIR and subsequent statement of the victim, it is tried to demonstrate that the victim has frequently changed her version and she has falsely implicated present accused. Therefore, evidence on record is inconsistencies regarding accusations made against the accused.

3. Prosecution has disputed the correctness of contents in the application and statement of witnesses came to be relied. There are statements of independent witnesses to corroborate the version of victim. The victim was having relation with accused No.1 Ganesh. The victim is a minor girl and physical

relation are established with her fully knowing that she is a minor girl. If discharge application is allowed victim may be pressurized. There is sufficient evidence against the accused. It is prayed to reject the application.

4. Learned advocate Shri. R.M. Yedape for accused No.4 advanced arguments on the line of contents in the application. He submitted that the victim is not reliable and false implication of the accused is made out from supplementary statement of the victim. He prayed to allow the application. On the contrary, learned APP Shri. V. M. Deshpande for the state submitted that evidence is available. The statement of witnesses are supporting to prosecution version. Statement of the victim can be considered. Particulars of supplementary statement cannot be read exclusively. The statement of victim u/s. 183 of B.N.S. is also recorded. There is prima-facie material available against the accused. Several accused have committed offence of rape against the minor victim. It is not expected from minor victim to state actual fact in systematic manner. Five persons can sit on one motorcycle. Victim was taken to sugarcane field where offence of rape was committed. After narrating particulars of statement of witnesses, he claimed that there is sufficient evidence to frame charge against the accused. He prayed to reject the application.

5. Considering rival submission and material on record, it appears that version in FIR is changed in supplementary

statement of the victim. The victim stated about taking names of few accused on the say of her grand mother. The present accused is trying to disbelieve her version in toto. The role of present accused has been explained by the victim. Though there are certain variances and inconsistencies in the contents of FIR and supplement statement of the victim. It can be matter of scrutiny during the trial. This is not case of absolute absence of material and lack of sufficient material to frame the charge against the accused. At the most, it can be stated that accused has hope to point to differences in stand taken by the victim in FIR and in her subsequent statements in the course of trial. For this reason, no case is made out for discharging the accused. Hence, I pass following order -

ORDER

1. Application Exh.13 is rejected.

Vita
dt.28.01.2026

(R. R. Bhagwat)
Additional Sessions Judge,
Vita

