

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SOLAPUR
(Presided over by Suraj V. Kendre)



Sessions Case No. 361/2023
State Vs. Elizabeth @ Rekha Sushil Hibale etc. 8
(CNR No. MHSO010034452023)

Order Passed Below Exh. 04

1) The accused No. 8 Anuj Krishnadatta Sharma has filed this application for discharge on the ground mentioned in the application. The learned advocate for accused No. 8 relied upon following case laws:

- 1) **Akshay Manoj Jaisinghani Vs. The State of Maharashtra reported in 2018 ALL MR (Cri.)1.**
- 2) **Ambadas Kashirao Kharad Vs. State of Maharashtra reported in 2007 ALL MR (Cri.)1916**
- 3) **Cept.Percy Meher Master Vs. State of Maharashtra reported in 2017 DGLS(Bom.) 819.**
- 4) **Sumeet Ganpatrao Bachewar and Another Vs. State of Maharashtra and Another reported in 2017 DGLS(Bom.)71.**

2) The learned A.P.P. has filed say on this application and opposed the application.

3) Heard both sides at length and perused written notes of argument of accused No. 8 filed at Exh. 36. The accused No. 8 alleged to have committed offence punishable under section 370(2)(3) of Indian Penal Code and under sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act. At this stage the court is only required to see whether

there is a *prima facie* material against the accused on the basis of the charge-sheet. The truthfulness of the otherwise of the evidence can not be adjudicate upon. The documents and statements collected during investigation disclosed the involvement of the accused and indicate commission of the alleged offence.

4) It is pertinent to note that the victims were found in the premises which is owned by the accused No. 8. From the record it prima facie appears that the accused No. 8 is knowing that for what purpose the said Spa is running by co-accused. In spite of that he continued the co-accused to run the Spa without reporting the illegal activities to the police. Thus, there is strong evidence against the accused No. 8 to proceed with the trial. In this case charge is yet to be framed and before framing of charge accused No. 8 is entitled for opportunity of sufficient hearing. Hence with due respect the aforesaid case laws are not helpful to the accused No. 8. The present application is devoid of any merit and deserves rejection. Resultantly, following order.

ORDER

The application is rejected.

(Dictated and pronounced in open court)

(Suraj V. Kendre)
Additional Sessions Judge,
Solapur.

Date : 04/12/2025

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : Mahesh Arjun Kore,
Stenographer (Grade-I)
- (b) Court : Additional Sessions Judge, Solapur.
- (c) Date of Order : 04/12/2025
- (d) Order signed by the : 04/12/2025
Presiding Officer on
- (e) Order uploaded on : 05/12/2025