

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM
(Presided over by M. S. Sahastrabudhe)



Spl. Atrocity Case No. 180/2020
State Vs. Milind
CNR No. MHWS010012162020

ORDER BELOW EXH.50

The present application is filed by the accused no.5 for discharge.

2] The present crime is registered against the accused for the offences punishable under Section 354A, 363, 366, 376(2)(N), 323, 504, 506 of IPC, Sections 3(1)(i), 3(1)(w)(ii), 3(2)(5), 3(2)(va) of SC & ST [Prevention of Atrocity], Act & Section 4 of POCSO Act.

3] In brief, it is contention of accused no.2 that report was lodged by the victim making vague allegations against applicant/accused no.5. Her main allegations are against accused no.1. Her contention is that she was in service of accused no.1. Accused no.1 who was her superior had forcibly taken her to the hospital of this accused and had committed forcible sexual assault on her. When she stated about the said conduct of accused no.1 to this accused no.5, this accused avoided her by saying that such things are normal in a company and if she wants to make carrier, she needs to have good relations with accused no.1. Thereafter this accused no.5 threatened her. Thereafter accused no.1 kept physical relations with her time and again. Lastly, when the victim decided to leave the company, accused no.1 along with accused no.5 had administered some tablets to her and had forcibly taken her in one four-wheeler to

Umarkhed. The period of alleged acts as per report are from 03/01/2020 to 12/02/2020 however she had given report on 29/02/2020 and thereafter crime was registered against the accused on 04/03/2020.

4] During investigation IO had prepared spot panchanama and the spot was shown by the victim. She had shown one room on the first floor in the premises of this accused where one tenant Madhukar was residing. There are no allegations against this applicant that he was present when sexual assault was committed on victim by accused no.1. Further in her statement dated 05/03/2020 victim has made new allegations against this accused alleging that when she had asked accused no.1 to marry her, he assaulted her and then to sent her to hospital of the applicant and then committed physical assault on her. Further she has alleged that this accused has threatened her that she will loose her life if at all she disclosed about the incident to anybody and then there are other allegations mentioned in the FIR against the accused no.5.

5] It is further contention of this accused that there are no specific allegations against him for framing charge. It is further his contention that there were similar allegations against other co-accused namely Jamu and Jamir Manjare, Eknath Kalbande, Lalita Matale, Ganesha Nikam etc. Almost all the accused have challenged the charge-sheet and had opposed Hon'ble High Court for quashing FIR against them and Hon'ble High Court was pleased to quash FIR against most of the co-accused. This accused had also approached Hon'ble High Court for quashing FIR. However, his counsel without any instruction from this accused had withdrawn the application.

Hence, the accused was constrained to file discharge application before this Court.

6] It is the contention of this accused that he is medical practitioner and is innocent person. He has no nexus with Pharma company or accused no.1 or with victim. There are no specific allegations against him. Hence, he needs to be discharged.

7] The said application is opposed by the APP and IO by filing say below Exh.51. It is their contention that the victim has made specific allegations against accused no.5 in FIR and in her statement which clarifies that this accused has actively participated in the commission of the crime. There are clear allegations against accused no.5 and hence the prosecution has prayed for rejection of the application.

8] Heard Ld. Advocate for accused and Ld. APP at length. They have argued in accordance with their contention in application and say respectively. Ld.Advocate for accused in support of his argument has placed on record the copies of order of Hon'ble High Court by which Hon'ble High Court was pleased to quash FIR against the other co-accused. Further Ld. advocate for accused in support of his argument that there are no specific allegations against accused no.5 and hence he needs to be discharged has placed reliance upon following authority :

i) **Haji Iqbal @ Bala vs. State of U.P & Ors, 2023 ALL SCR (Cri) 1738** wherein it is held by the Hon'ble Supreme Court that, “ In entire FIR, there is not a whisper of any allegation of rape or criminal intimidation against the appellant. No particular allegation levelled against him in FIR. All that appears on plain reading of FIR is that

appellant has been named as the accused no.2. However, nothing incriminating surfaced against appellant. Thus continuation of criminal proceedings against appellant would be nothing but gross abuse of process of law.”

9] Considering the submission of Ld. Advocate for both sides so also on perusal of record it appears that as submitted by Ld. Advocate for accused there appears some delay in filing FIR. However, the same is explained by the victim. As argued by Ld. advocate for accused no.5 though it appears that Hon'ble High Court was pleased to quash FIR against some of the co-accused still Hon'ble High Court has consistently observed that specific allegations if any are against accused no.1 and accused no.5. On perusal of FIR as well as statement of victim it appears that victim has specifically alleged that accused no.1 with the help of accused no.5 have committed sexual assault on her in the room on first floor in the hospital of accused no.5 and though she has stated about said fact to accused no.5 he kept on protecting accused no.1 and on the other hand he kept on telling victim that act of accused no.1 is normal and if she wants to make her career then she needs to keep on doing the alleged illegal activities. Further the victim has also made specific allegations that finally when she decided to quit her job, accused no.1 assaulted her and accused no.2 were giving her sedative had helped accused no.1 for abducting her. In case in hand investigation is complete and charge-sheet is filed against the accused. From the charge-sheet and statement of witnesses it reveals that accused no.5 have played active role by helping accused no.1 for commission of the offence. As far as ratio in the authority of **Haji Iqbal @ Bala vs.**

State of U.P. & Ors relied by the Ld. Advocate for accused is concerned, the same is with respect to a case in which there is no specific allegations in FIR against the appellant and there are no incriminating circumstances against him. However, in the present case the victim has made specific allegations against accused no.5 in FIR as well as in her statement. Hence, with utmost respect to the ratio in the aforesaid authority, in my opinion same is not helpful to the accused at this stage.

10] In view of the aforesaid discussion, at this stage I have come to the conclusion that in the charge-sheet there is evidence to show that accused have committed offence. As such it cannot be said that there is no material on record to proceed against him. Therefore, application is devoid of merits and accordingly in the interest of Justice I proceed to pass following order.

ORDER

Application is rejected.

Date: 14/07/2026

(M. S. Shahastrabudhe)
Additional Sessions Judge, Washim.

CERTIFICATE

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

Name of the Stenographer	:-	R.K.Pawar Stenographer (Grade-1)
Court Name	:-	District Judge-3 & Additional Sessions Judge, Washim
Date	:-	14/07/2026
Order signed by the Presiding Officer on	:-	14/07/2026
Order uploaded on	:-	14/07/2026