

*Shubhada S Kadam*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 460 OF 2025

Vipin Alias Bipin Ramnaresh Agrawal

.....Applicant

versus

The State Of Maharashtra and anr.

.....Respondents

Mr. Anupam Dwivedi along with Mr. Punit Gehi, Advocate for Applicant in both applications

Ms. Kranti Hivrale, APP for Respondent No.1-State.

Mr. Siddhant Choudhari, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th APRIL, 2026.

P.C. :

1. The challenge in this application is the impugned order dated 19th July 2025 passed by learned Additional Sessions Judge, Pune, in Sessions Case No. 185 of 2020.

2. It is prosecution's case that accused No.1 sexually assaulted the first informant by threatening her. It is alleged that the applicant is a friend of accused No.1 and on 13th June 2016, there were physical relations between the first informant and accused No.1. On the next day, the applicant and co-accused laughed at first informant stating that they had witnessed what transpired between her and accused No.1 on the previous night. It is further alleged that accused No.2 demanded sexual favour from

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the first informant. At that time, the present applicant told the first informant that he will not disclose the said incident to anyone and that the matter would remain confined between them.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. The co-accused, against whom similar allegations were made, has been discharged. Learned counsel for the applicant further submitted that the words uttered by the applicant that “hum kisiko batayenge nahi, ye baat hamari beech mein rahengi” do not attract the provisions of Section 354 of the Indian Penal Code 1860 (for short “the IPC”). Learned counsel further submitted that there is no other witness to the incident but this fact is not considered by learned Sessions Judge and requested to allow the application.

4. It is contention of learned APP along with learned counsel for respondent No.2 that there are specific allegations against the applicant. Learned APP submitted that when accused No.2 told the first informant that engaging in sexual relations was a trend and asked her to consider the same, the present applicant supported such statement by assuring the first informant that the matter would not be disclosed to anyone. Such conduct reflects an intention to seek sexual favour and amounts to supporting the demand made by accused No. 2, thereby constituting an offence under Section 354A of the IPC. Learned Sessions Judge has passed a well



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reasoned order, no interference is required in it and requested to reject the application.

5. I have heard all learned counsel, perused charge-sheet and documents produced on record. The allegations against the applicant are that when accused No.2 demanded sexual favour from the first informant, the present applicant supported the said statement. In my view, mere statement of the applicant that he will not disclose the said fact to anyone cannot constitute any offence. The said statement appears to have been made in the course of conversation with the first informant and does not, prima facie, reflect any sexual intent as alleged in the FIR but this fact is not considered by learned Sessions Judge. If trial is continued, it will cause agony to the applicant. Considering these facts, I pass following order :

ORDER

(1) The order dated 19th July 2025 passed by learned Additional Sessions Judge, Pune, in Sessions Case No. 185 of 2020, is quashed and set aside.

(ii) The applicant is discharged of the offence punishable under Section 354 of the Indian Penal Code.

The Revision Application is allowed in above terms and disposed of.



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6. In view of dismissal of revision application, Interim Application No.821 of 2026 will not survive for consideration and the same is also dismissed.

(SHIVKUMAR DIGE, J.)