

Recommendation of the Commission is prepared and placed on flag 'A' for concurrence.

3
20.6.2015

Chairman / (Incharge)

Ans.
27/6/15

Before the Maharashtra State Commission for Protection of Child Rights.

Enquiry, under sections 13 (1) & 14 (1) of the Child Right Protection Act, 2005

C.R.No.124/2015.

Introduction:-

This matter has been referred by the Women Commission to the Child Right Commission requesting to take up this issue as it falls with the Child Right Commission. In this matter, a letter written by Shri S. Muzaffar Hussain, Hon'ble Member Legislative Council of Maharashtra, addressed to Member Secretary, Women Commission, saying that one girl child name "Smt. Jahida Shabbir Hussain, aged 13-year was molested by Corporator, Shri Ashwin Kasoderiya. The Police have filed F.I.R. on 20th March, 2015. However, accused is still not arrested by police. Since alleged accused is political person, therefore, police's investigating is not being done properly, due to political influence. He has requested to take the cognizance of the matter and give the justice to the victim.

2. The matter was listed by Child Right Commission, notices were issued, parties were called. During the hearing, Mr. Jadhav, Assistant Police Inspector, Mira Road Police Station has filed a detailed report in this regard and mentioned that in this matter, relevant sections of I.P.C. and P.O.C.S.O. Act has been applied. Matter is being investigated and he has submitted that since accused has been granted anticipatory bail by the Sessions Court, Thane, therefore, police failed to arrest him. He has assured to file the charge sheet shortly. It is submitted by the Police Officer that detailed evidences were produced, before the Hon'ble Court, for opposing anticipatory bail. However, the Hon'ble Court did not admit request.

3. Under above circumstances, the Commission's recommendations are as follows:-

- (i) To approach the higher court for cancellation of anticipatory bail.
- (ii) To submit charge sheet within prescribed limit under P.O.C.S.O. Act.
- (iii) To conduct investigation as prescribed under provisions of P.O.C.S.O. Act, 2012.

By order and seal of the Commission



(A. N. Tripathi) 29.6.2015
I.F.S.

Secretary
Maharashtra State Commission for Protection
of Child Rights.

Date:- 123 JUL 2015