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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1263 OF 2025

Hardik Girish Gala

... Applicant

V/s.

The State of Maharashtra & Anr.

.... Respondents

Ms. Gunjan Deepak Thakkar, for the Applicant.

Ms. M. R. Tidke, APP for the Respondent-State.

PSI Mr. Pravin Hindurao Shinde, R.A. K. Marg Police Station,
Mumbai present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 11 AUGUST 2026

P. C. :-

1. Heard Ms. Thakkar, learned counsel appearing for Applicant and Learned APP appearing for the Respondent-State.

2. By this Application challenge is to the legality and validity of order dated 30 September 2025 passed by the learned Additional Sessions Judge, City Civil Court and Sessions Court, Gr. Bombay below Exhibit-03 in Sessions Case No.771 of 2022. By the impugned order, the said application filed under Section 227 of the Code of Criminal Procedure for discharge of the applicant/accused for the offence punishable under Section 353 and 504 of the

Indian Penal Code concerning C.R. No.261/2016 registered with R.A.K. Marg Police Station is dismissed.

3. It is the contention of the learned counsel appearing for the Applicant that there is nothing on record to show that the Applicant is involved in the crime. She submits that the Accused is not at all instructed.

4. Perusal of the record shows that as per the prosecution case, the first informant was the bus driver with BEST at Bandra Depot. On 15 October 2016, he was on duty on bus route No.61 (Bus No. MH-01-L-9842) along with conductor Ashok Pade. At about 7.45 pm, when the bus stopped at Sakkhari Panchayat Junction signal, R.A.K. Marg Wadala, the applicant, riding motorcycle bearing No. MH-02-DC-3013, came from the opposite direction and stopped in front of the bus. The signal turned green and the first informant blows the horn asking the applicant to move ahead, and at that time the bus brushed against the motorcycle. The applicant enraged, stopped motorcycle in front of bus, came near the informant and pulled him down from the bus. He abused the informant, assaulted him and caused bleeding injuries. Thereafter,

the applicant fled from the spot. The conductor noted the motorcycle number. The informant was taken to K.E.M. Hospital for treatment. Then he lodged report to the police station.

5. The Learned Trial Court has observed that after sifting and weighing the evidence in various ways for the limited purpose of finding out whether a prima facie case is made out against the accused, it is found that prima facie material or sufficient ground and the grave suspicion to proceed against the accused so as to frame charge against him is available. The conductor is one of the witness. Apart from that, there is another witness, namely, Yuvraj Gaikwad.

6. It is the submission of the learned counsel appearing for the Applicant that the statement of witnesses are stereotype. There is no T. I. Parade conducted and the accused should be discharged. The learned Trial Court has rightly held that the effect of non-conducting T. I. Parade during the investigation is to be determined after trial that is at the stage of appreciation of evidence.

7. It is rightly observed that absence of T. I. Parade itself does not warrant discharge.

8. As far as the contention that the statements of witnesses are stereotype, the said statements are recorded in Section 161 of Code of Criminal Procedure. The said statements are not substantive evidence. The substantive evidence will be laid in the Court.

9. The learned counsel submits that the motorcycle does not belongs to the Applicant/Accused. But all these factors are required to be decided after completion of the trial and cannot be a ground for discharge.

10. Accordingly, no case is made out for interference in the impugned order dated 13 September 2025 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Gr. Bombay below Exhibit-03 in Sessions Case No. 771 of 2022. Accordingly, the criminal application is dismissed.

[MADHAV J. JAMDAR, J.]