

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2822 OF 2015

Rakesh Vasant Chavan

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. B.R.Waramaa, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 7th JULY, 2015

.....

PER COURT :

1. Heard Mr. B.R.Waramaa, learned counsel for the Applicant and learned A.P.P. for respondent – State.

2. Learned counsel for the applicant submitted that the applicant is arrested in connection with Crime No. 215/2013 registered with Amalner police station, Dist. Jalgaon for the offences punishable u/s 307,325,332,189,504,506 of the Indian Penal Code and u/s 4/25 of the Indian Arms Act.

3. According to the learned counsel for the applicant, charge sheet is already filed and the applicant is languishing in jail since 14/12/2013.

4. F.I.R. is lodged by Ashish Ravindra Choudhari, police constable B.No. 946. From the F.I.R. it is clear that on 14/12/2013 when the police party had been to the house of the applicant to arrest him since he was also accused in Crime No. 214/2013 for the offence punishable U/s 394 read with 34 of the Indian Penal Code, that time present applicant used abusive words against police party and also brought 'Gupti' from inside his house and tried to make murderous assault on the first informant. However, by showing the presence of mind, said blow was avoided. At that particular point of time, applicant gave blow on the jaw of the first informant and then ran away towards railway line. He was chased and was arrested.

5. Aforesaid allegations *prima facie* shows that when the law enforcing agency was to accost the applicant, that time he not only avoided his arrest, but made murderous assault on the police party. In so far as offence punishable u/s 307 of the Indian Penal Code is concerned, injury is not *sine qua non*. Intention has to be looked into and intention can be gathered from the surrounding circumstances. In that view of the matter, present application is required to be dismissed.

6. Present Sessions Case is pending since 2013. Learned counsel for the applicant and learned A.P.P.

submitted that Charge is already framed. In that view of the matter, necessary direction can be issued to the learned trial Court to expedite the Sessions Case No. 21/2014 pending on the file of the learned Additional Sessions Judge, Amalner.

7. Hence, I pass the following order :

- (i) Present Criminal Application is dismissed with direction to the learned Additional Sessions Judge, Amalner to decide Sessions Case No. 21/2014 as expeditiously as possible and preferably within a period of six months from the date of receipt of this order.
- (ii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]