

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders or Registrar's orders.	Office Coram,	Court's or Judge's orders.
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CRIMINAL WRIT PETITION NO. 823 OF 2015

SUNITA W/O MAHESH SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioner : Mr. Dharashive M.L.
APP for Respondent No.1: Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.
DATED: 2nd JULY. 2015.

PER COURT:

1. The petition is filed to challenge the order made by learned J.M.F.C., AUSA in S.T.C. No.551 of 2012. Learned J.M.F.C. has rejected the application filed at Exhibit-67 of the Petitioner, complainant. Heard learned counsel for the Petitioner.
2. The petitioner has filed a private complaint for offence punishable under sections 323, 504, 34 etc. of I.P.C. The process is also issued only for these offences. It is contended that on the date of incident the complainant was referred to Government Hospital and

she was given treatment in the Government Hospital. The incident is dated 21st December, 2012 and the private complaint came to be filed on 26th December, 2012. By filing application at Exhibit-67 the complainant requested to issue witness summons to Dr. Sham Somani as complainant wants to prove that she has taken treatment of Dr. Sham Somani also. Learned counsel for the complainant submitted that witness allowance was deposited and so the Court was expected to allow to examine the witness. He submitted that when the witness was present in the Court, when other side took objection, the witness was discharged and that has caused prejudice to the complainant.

3. In view of the contents of the complaint it can be said that only Government Medical Officer could have been examined to substantiate the allegations made in the complaint. There was no contention that she had taken treatment in private hospital and nothing of that sort was mentioned in the private complaint. When the complaint is of the year 2012 and in a case filed for offence punishable under section 323 of I.P.C. the complainant has come up to this Court. For proving the

offence punishable under section 323 of I.P.C. there is no need of medical evidence and if the Court is convinced that some hurt was caused, as defined under section 319 of IPC the Court can convict the accused. Thus, it is not necessary to examine the doctor and for the aforesaid reason there was no reason to the Court to grant prayer. This Court finds nothing to interfere in the order. The petition stands dismissed.

[T. V. NALAWADE, J.]

Dt.02/07/2015
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