

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

CRIMINAL REVISION APPLICATION NO. 221 OF 2014

1. Khandu Dhondibhau Khodade
Age : 56 Yrs., Occ. : Agri.,
R/o : Ganjibhoyare, Tq. :
Parner, Dist. : Ahmadnagar.
2. Karbhari Dhondibhau Khodade
Age : 70 Yrs., Occ. : Agri.,
R/o : Ganjibhoyare, Tq. :
Parner, Dist. : Ahmadnagar.
3. Sambhaji Khandu Khodade
Age : 32 Yrs., Occ. : Agri.,
R/o : Ganjibhoyare, Tq. :
Parner, Dist. : Ahmadnagar.
4. Sanjay Khandu Khodade
Age : 28 Yrs., Occ. : Agri.,
R/o : Ganjibhoyare, Tq. :
Parner, Dist. : Ahmadnagar.

..... APPLICANTS

V E R S U S

The State of Maharashtra
Through Parner Police
Station, Taluka : Parner,
Dist. Ahemadnagar.

..... RESPONDENT

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Mr. Amol S. Sawant, Advocate for the Applicants.

Mr. V.H.Dighe, A.P.P. for the Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE OF JUDGMENT : 12th JANUARY, 2015

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ORAL JUDGMENT :

1. Rule. Rule is made returnable forthwith. By consent of the learned counsel for the applicants and the learned A.P.P. for the State, the Criminal Revision Application is taken up for final hearing.

2. Heard Mr. Amol S. Sawant, the learned counsel for the applicants and Mr. V.H.Dighe, the learned A.P.P. for the Respondent - State.

3. The present Criminal Revision Application arises out of the order dated 31/07/2014 passed by the learned District Judge – 4 and Assistant Sessions Judge, Ahmednagar

below Exh. 5 in Sessions Case No. 51/2012, whereby the learned trial Court rejected the application for discharge filed on behalf of the present applicants.

4. The entire charge sheet is placed on record. The applicants are accused in Crime No. I-144/2011 registered with Parner police station, Taluka Parner, District Ahmadnagar for the offence punishable u/s 304 (Part-II), 506 read with section 34 of the Indian Penal Code. The said crime was registered on the basis of the report lodged by one Ganesh Bansi Khodade, a son of deceased Bansi Khodade.

5. The F.I.R. shows that on 28/07/2011 in front of the house of the first informant, the present applicants used abusive words to the father of the first informant when he and his father were standing there. The deceased was admitted in the hospital for high blood pressure. Unfortunately, he died on 29/07/2011. The F.I.R. alleges that due to the abusive words used by the present applicants, the blood pressure of the deceased shoot up, causing his death.

6. The death certificate is available on record. It shows that the deceased died his natural death.

7. When the deceased died naturally, the applicants can not be prosecuted on the specious allegations that due to the abuses which they had used, the blood pressure of the deceased shoot up. There is no evidence available on record to show that the present applicants were knowing that the deceased was suffering from blood pressure. Therefore, it is absolutely clear that there is no *mens rea* on the part of the present applicants.

8. In that view of the matter, there is no material against the present applicants and the continuance of the criminal proceeding against the applicants is nothing but the abuse of process of law.

9. Hence, the order passed by the learned trial Court is set aside. The applicants stand discharged from Sessions Case No. 51/2012. The charge sheet which is registered as Sessions Case No. 51/2012 is hereby quashed.

10. With the above observations, Rule is made absolute.

[V.M.DESHPANDE, J.]

KNP/Crim. Revn. Apln. 221.2014 - [J]

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