

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6447 OF 2015 IN
CRIMINAL APPEAL NO. 877 OF 2015
(FOR BAIL)

Gangaram S/o Waman Wajir .. Applicant

Vs.

The State of Maharashtra and anr. .. Respondents

AND

CRIMINAL APPLICATION NO. 176 OF 2016 IN
CRIMINAL APPEAL NO. 877 OF 2015
(FOR EARLY HEARING)

Gangaram S/o Waman Wajir .. Applicant

Vs.

The State of Maharashtra and anr. .. Respondents

Mr. R.G. Hange, Advocate for applicant in both matters
Mr. N.T. Bhagat, A.P.P. for the respondent-State
Mr. M.M. Parghane, Advocate for respondent no.2 in both matters

CORAM : M.T. JOSHI, J.

DATE : 13/01/2016

ORAL ORDER :

Heard both sides.

2. Mr. Hange, learned counsel for the applicant/appellant submits that contrary to the statement in the FIR was made by the injured complainant. Grievous injury was not inflicted by the

applicant/appellant. Even the grievous injury is not sufficient to attract the offence punishable under section 307 of the Indian Penal Code.

3. It was additionally argued on behalf of the learned counsel for the applicant by Mr. Hange, that the victim has also filed affidavit-in-reply in the present case and has submitted that since a compromise took place between the parties because of the mediation of the well wishers, this Court may reduce the punishment awarded by the trial Court to the period already undergone by the applicant/appellant.

4. Learned A.P.P. opposed the applications. He submits that the learned Additional Sessions Judge has awarded punishment of rigorous imprisonment for 7 years for the offence punishable under section 307 of the Indian Penal Code and the cumulative effect of the injury would show that it was an attempt to commit murder.

5. Upon hearing both sides, in my view, only upon hearing of the Appeal on merit, the issue of reduction of punishment, if any, would arise.

. Presently, in view of the finding of the learned trial Court that the offence punishable under section 307 of the Indian Penal Code is made out, passing any comment on the same would prejudice the final hearing of the Appeal.

6. In the circumstances, Criminal Application No.6447 of 2015, seeking bail is dismissed. Hearing in the Criminal Appeal is expedited.

7. Record and Proceedings are already received.

8. Preparation of the paperbook is dispensed with. However, notes of evidence of all the witnesses be filed on record. Upon filing of the same, the applicant/appellant would be at liberty to move for hearing of the Criminal Appeal.

9. Criminal Application No. 176 of 2016, seeking early hearing of the Appeal stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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