

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL REVISION APPLICATION NO.9/2014

Rajkumar s/o Girdharilal Yadav

..Versus..

State of Maharashtra, through Police Station Officer Gadgenagar, Amravati, Distt.
Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 7.3.2016

Heard Shri N.B. Kalwaghe, advocate for the applicant and Shri S.M. Bhagde, A.P.P. for the non-applicant.

The applicant/accused has challenged the order passed by the learned Additional Sessions Judge rejecting the application (Exh. No.218) filed by the applicant under Section 227 of the Code of Criminal Procedure.

The applicant along with three others is being prosecuted for the offence punishable under Section 147, 148, 149 and 307 of the Indian Penal Code. The applicant filed application (Exh. No.218) under Section 227 of the Code of Criminal Procedure contending that the accusations against the applicant are not sufficient to prosecute him for the offence punishable under Section 307 of the Indian Penal Code. The learned Additional Sessions Judge has rejected the application, by the impugned order. The applicant being aggrieved by the order passed by the learned Additional Sessions Judge, has filed this revision application.

Shri Kalwaghe, learned advocate has pointed the nature of

injuries, details of which are shown in paragraph no.11 of the impugned order, and has submitted that considering the nature of injuries it cannot be said that the applicant is liable for prosecution for the offence punishable under Section 307 and 149 of the Indian Penal Code. It is submitted that even if the case of prosecution is to be accepted, the accused can be charged for the offence punishable under Section 324 or 326 of the Indian Penal Code and the trial has to be before the Chief Judicial Magistrate or the Judicial Magistrate First Class. It is argued that the impugned order be set aside and the applicant be discharged from the prosecution for the offence punishable under Section 147, 148, 149 and 307 of the Indian Penal Code or in the alternative the applicant be discharged of the offence punishable under Section 307 of the Indian Penal Code.

After hearing the learned advocate for the applicant and the learned A.P.P. and examining the challenge raised on behalf of the applicant, I find that the learned Additional Sessions Judge has properly considered the nature of injuries and the statement of the victim himself and has rightly concluded that there is sufficient material against the applicant to frame the charge for the commission of offence under Section 307 read with Section 149 of the Indian Penal Code.

I do not find any illegality or perversity in the impugned order which necessitates the interference by this Court in the revisional jurisdiction. The revision application is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE