

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [ABA] No. 741 of 2017**  
**[Sandeep Nawnath Ghuge Vs. State of Mah., Ansing PS, Distt. Washim]**

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

**Court's or Judge's orders**

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Mr. R. M. Mardikar, Adv., for the applicant.  
 Mr. K. L. Dharmadhikari, APP for non-applicant.

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**CORAM : A.S. CHANDURKAR, J.**

**DATE : 09th November, 2017**

The applicant apprehends his arrest in connection with Crime No. 164/2017 registered at Ansing police Station for the offence punishable under Section 307 read with Section 34 of Indian Penal Code.

As per the report dated 23<sup>rd</sup> August, 2017, the informant who is the nephew of one Pralhad Bangar has reported that on 23<sup>rd</sup> August, 2017 when said Pralhad was returning from Washim, he was accosted by the applicant and three others. He was given threats on the count that as all the properties were standing in his name, it would not be possible to transfer the same in the name of the daughter of Nawnath. The applicant and the others are alleged to have felled the informant

on the ground and applicant herein is stated to have forcibly administered some poisonous substance. After assaulting the informant, the applicant and others left the place. The victim was then taken for medical aid. On that basis, offence punishable under Section 307, Indian Penal Code, came to be registered.

It is submitted on behalf of the applicant that there are disputes between the family of the applicant and the family of the victim. An earlier report dated 26<sup>th</sup> July, 2017 has been lodged by the family of the applicant in which the victim is also shown as an accused. It is further submitted that there are no eye-witnesses indicating the acts attributed to the applicant and merely with a view to pressurize the family of the applicant, this report has been lodged. It is pointed out that after grant of interim protection, the applicant has co-operated with the Investigating Officer and hence as per the law laid down in **Siddharam Satlingappa Mhetre Vs. State of Mah. & others** [2011 Cri. L.J. 3905 (1)], the applicant is entitled for protection.

The application is opposed by the learned Addl. Public Prosecutor by relying upon the reply as well as investigation papers. It is submitted that after victim was admitted in the hospital and was certified as fit for recording statement, same was recorded on 24<sup>th</sup> August, 2017. As per this statement, the specific act of the applicant of forcibly administering poisonous substance has been stated. It is further submitted that as the

investigation is not yet complete, the applicant is not entitled for protection.

Perused the First Information Report as well as the investigation papers.

The statement of the victim recorded immediately on being found fit specifically implicates the applicant as having poured the poisonous substance in the mouth of the victim. This statement is further repeated on 28<sup>th</sup> August, 2017. The documents issued by the Medical Officer further indicate presence of poisonous substance in the body of the victim. Thus, for the present, there is sufficient material to implicate the applicant herein.

Though it is true that there was an earlier dispute between the parties in which the victim is also shown as an accused, that offence is under Sections 498-A, 504 and 506 of the Indian Penal Code. However, considering the statement of the victim as well as the medical papers, false implication at this stage does not appear to be on record. Though the applicant has appeared before the Investigating Officer as directed, considering the seriousness of the offence and the role attributed to the applicant herein, I am not inclined to exercise discretion in his favour. This conclusion has been arrived at after perusing paragraph 122 of the judgment in *Siddharam Satlingappa Mhetre* [supra].

By clarifying that the observations made in this order are only for deciding the present application, the same stands rejected.

**Judge**

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