

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2712 OF 2017

Jayshree Ravi Bhosale and others

.....Petitioners

V/s.

The State of Maharashtra and another

....Respondents

Mr. Gajanan M. Savagave for the petitioner.

Mr. S. R. Shinde APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 8, 2018.

P.C.

In Sessions Case no. 154 of 2013, arising out of crime no. 95 of 2012 for offence punishable under sections 307, 143, 147, 148, 149, 323, 325, 504, 506 r/w 34 of the Indian Penal Code, present applicant/accused moved an application for discharge on two counts (a) when proceedings were taken out for quashing before the High Court, an incorrect statement of fact was made that the charge-sheet was filed. (b) even if the material reflected in the charge-sheet

is taken on its face value, no offence under section 307 or other sections could be made out.

2 So as to substantiate the contentions, the learned counsel for the petitioner/accused submits that no final injury certificate is placed on record as such it is difficult to infer very requirement for an offence under section 325, 307 & 149 of the Indian Penal Code.

3 *Per contra*, the learned APP would urge that petitioners are charge-sheeted based on the investigation carried out which speaks of *prima facie* availability of evidence so as to infer the involvement of the applicants/petitioners. According to him, medical evidence brought on record speaks of serious injuries suffered by the victim and submits that final injury certificate will be produced at an appropriate stage of the trial. According to him, there is no substance in the petition.

4 With the assistance, I have perused the statement of the witnesses, other material available on record.

5 Though there exists a civil dispute between the parties i.e. complainant and accused, however, it is not sufficient to infer false implication of the accused persons in the crime in question particularly in the background of the fact that investigation depicts specific role played by each of the accused in the crime in question.

6 Copy of the charge-sheet is very much submitted before the Court below and the copies thereof are produced by the petitioner in this Court along with present proceedings.

7 So far as the injury certificate is concerned, it is worth to observe that Investigating Officer, Koregaon Police Station is duty bound to produce final injury certificate on the record of the learned Sessions Judge. The learned APP makes a statement that such final injury certificate will be produced before the Sessions Court within period of eight weeks. He further assures that this order will be brought to the notice of Superintendent of Police, Satara for compliance of the aforesaid issue.

8 In the aforesaid background, I hardly notice any case which warrants discharge of the present petitioners. As such, petition stands dismissed.

[NITIN W. SAMBRE, J.]