

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

Criminal Application [BA] No.315 of 2018

Sanjay Digamber Khule

vs.

State of Maharashtra, through P.S.O. Dongaon, Tah. Mehkar, Dist. Buldhana.

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

Court's or Judge's Orders

*Shri N.B. Rathod, Advocate for the Applicant.
Shri H.D. Dubey, A.P.P. for the Non-Applciant-State.*

CORAM : S.B. SHUKRE, J.
DATE : 24th APRIL, 2018.

Heard the learned Counsel for the applicant
and the learned A.P.P. for the State.

The learned Counsel for the applicant
submits that the injury report given by the private
hospital is not consistent with the injury certificate
issued by the Government Hospital and, therefore,
what has been opined in the Injury certificate issued
by the Medical Officer, Rural Hospital, Mehkar, would
prevail. He submits that this injury certificate *prima
facie* shows that the injuries suffered by Gopal
Dhandre were simple in nature and, therefore, no
intention to kill is discernible. I do not think that the
argument of the leaned Counsel for the applicant can
be accepted at this stage. The learned A.P.P. is right in
the submission that the injury certificate does not give

any final opinion at least in respect of three injuries and it says that the opinion of the Doctor is reserved. Now, there is no final opinion obtained by the Investigating Officer and if that is so, the victim of this crime cannot be blamed and could not be termed as a liar. Then, the Medical Officer himself reserved his opinion in respect of three injuries and the private hospital, which issued a injury report dated 16/10/2017, has given its opinion in respect of these three injuries and they show that they are in the nature of contused lacerated wounds on the back portion which required stitching, fracture of humerus bone and fracture of mandible caused by hard and blunt object. This report also says that all these wounds will heal in 60 days after operation, if there are no complications. This report cannot be understood as being inconsistent with the injury certificate issued by the Medical Officer for these injuries are those injuries in respect of which no opinion has been expressed by the Government Doctor. This report corroborates the version of Gopal Dhandre, the injured person. His statement could be recorded only after about 2 months from the date of incident, because he was not in a position to speak due to fracture of his mandible.

The statements of the eye witnesses also revealed that this was an unprovoked assault made on the person of Gopal Dhandre by this applicant and a great deal of intervention was required on the part of the other witnesses present there to rescue Gopal Dhandre from getting further attacked by this applicant.

These facts and circumstances would *prima facie* show not only the involvement of this applicant in the present crime, but also the possibility of misusing the liberty, if it is granted to the applicant at this stage.

In the result, I am not inclined to allow this application. The application stands rejected. The trial Court to conclude the trial as expeditiously as possible.

JUDGE

**sandesh*