

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

CRIMINAL REVISION APPLICATION (REVN) NO. 165/2018

Satish Bondalu Ranguwar

..VS..

State of Maharashtra, Thru its PSO, PS Sironcha, Tq. Sironcha, Dist. Gadchiroli

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

Court's or Judge's orders

Shri R.S. Kurekar, Advocate for the applicant
Shri V.A. Thakre, APP for the non-applicant/State

CORAM : Z.A.HAQ, J.

DATED : 11/10/2018

Heard.

The charge-sheet for the offences punishable under Sections 376 (1), 313, 315, 328, 342 and Section 34 of the Indian Penal Code r/w Section 33 and Section 36 of the Maharashtra Medical Practitioners Act came to be filed against the accused and two others. The co-accused/Damodar Pottala is discharged as per the judgment passed by this Court in Criminal Revision Application (REVN) No. 35/2017 on 31/08/2017.

The applicant had also applied under Section 227 of the Code of Criminal Procedure praying that he be discharged from the prosecution. The learned Sessions Judge has rejected this application by the impugned order.

Apart from the fact that the applicant relies on the judgment passed by this Court in Criminal Application

(REVN) No. 35/2017 by which the co-accused/Damodar Pottala is discharged, further contention is that looking to the nature of accusations against the applicant, he cannot be prosecuted for the offence punishable under Section 376 (1) of the Indian Penal Code.

The challenge as raised by the applicant is misconceived. The accusations against the applicant are that though he is not having the required qualifications to practice medicine, he is practicing as Medical Practitioner. The prosecution is also for commission of the offences punishable under Section 33 and Section 36 of the Maharashtra Medical Practitioners Act, 1961.

In these facts, the prayer made on behalf of the applicant for discharge cannot be granted. The impugned order cannot be faulted with.

The criminal revision application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari