

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

Criminal Application (ABA) 53/2021

Dnyaneshwar s/o Ramdas Sonune V/s State of Maharashtra, thr. P.S.O., P.S. Risod,
Tah. Risod, Dist. Washim.

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

Court's or Judge's orders.

Mr N.B. Kalwaghe, counsel for applicant.
Mr S.S. Doifode, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 05/02/2021.

Heard.

2] The applicant is apprehending arrest in Crime 0881/2020 registered with Risod Police Station for the offences punishable under Sections 307, 504 and 506 of the Indian Penal Code.

3] The crime is registered on the basis of report dated 6.12.2020 lodged by the injured Parmeshwar.

4] The gist of the report is that at 11.00 p.m. on 04.12.2020 where Parmeshwar and his wife came out of the house to answer the nature's call, they met the applicant who told that he is possessing certain photographs of Parmeshwar's wife. According to the Parmeshwar, the applicant wanted Parmeshwar and his wife to see the photographs. Later, the applicant started abusing Parmeshwar and dealt a knife blow uttering why Parmeshwar is being an obstacle between the applicant and

Parmeshwar's wife. Parmeshwar started shouting for help, people gathered and the applicant fled.

5] The learned counsel Mr. Kalwaghe submits that the report is delayed. The incident occurred at 11.00 p.m. on 04.12.2020 and the report is lodged on 06.12.2020. *Prima-facie*, there is sufficient explanation for the delay. The informant was hospitalized and it is only when he was discharged that he lodged the report. The fact that his wife could have lodged the report, is not significant. The wife would ordinarily be with her husband at the hospital. That apart, it would ultimately be the call of the trial Court to assess the implication of the delay, assuming that there is delay.

6] The learned Sessions Judge has noted that the statements which are recorded clearly implicate the applicant in the crime. The wife of the injured has referred to two knives. According to her, when in the scuffle one knife slipped out of the hand, the applicant-accused whipped out another knife hidden in the waist and was prevented from using the same due to the arrival of the villagers. One witness 'B' states that he saw a knife, chilly powder and mask on the spot. The medical certificate refers to two injuries on the chest.

7] According to the prosecution, the mobile phone and the other knife are to be recovered. The mobile phone is

an important incriminating material since allegedly objectionable photographs are stored, is the submission of the prosecution. That apart, the learned Sessions Judge notes that after the registration of the offence, the applicant allegedly contacted the informant and issued threats. N.C. Case 1023/2020 is registered on 27.12.2020. It is further noted that the applicant also threatened the witness Mr 'M'.

8] Considering the gravity of the offence alleged, the fact that the custodial interrogation is imperative and the alleged conduct of the accused, no discretion can be exercised.

9] The application is dismissed.

JUDGE