

Math and while returning they questioned the accused Arvind Pandit & Ujjawala Pandit as to why they were not conducting exhibition in the hall. Thereafter, the applicant came to the spot along with Ujjawala. There was altercation. The first informant was assaulted by the accused with iron rod. He suffered injuries. The FIR was registered.

3. The Petitioner had preferred an application for discharge before the Court of learned Magistrate which has been rejected by learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai vide order dated 6th October, 2018 on the ground that, on going through the final report and the documents filed along with it, cannot be said that the charge against accused No.3 is groundless and there is sufficient evidence to frame charge against him for offence punishable under Section 326 r/w Section 34 of Indian Penal Code. The said order was challenged before the Sessions Court by preferring revision application which has been rejected by order dated 22nd March, 2021. The learned Sessions Judge considered the order passed by learned Magistrate and the material on record and by assigning the reasons, the revision application was rejected.

4. learned Advocate for the applicant submitted that there is no evidence to frame the charge against the applicant. The allegations

are vague. The FIR does not specify role played by the applicant. The panchanama of recovery does not refer to the iron rod. The main weapon which is used in the crime is not before the Court. In such circumstances charge cannot be framed against the accused. He relied upon the decisions placed for consideration before the Sessions Court and submitted that there was no material on record against the Petitioner and he ought to have been discharged from the lower Court.

5. Learned APP submitted that the accused were charged under Section 326 r/w Section 34 of Indian Penal Code. Specific role has been attributed to the accused. The injured had suffered injuries which is fortified by the injury certificate.

6. The learned Magistrate and the learned Sessions Judge has rejected the application preferred by the Petitioner by assigning cogent reasons. The submissions advanced by the learned counsel for Petitioner cannot be appreciated at this stage. The petitioner has been named in the First Information Report. He has been attributed role of assaulting the first informant. The injury certificate which indicate that the injured has suffered about 7 injuries are on record by the injured person.

7. Thus, the submission that there is discrepancy in the panchanama, there is no panchanama with regards to recovery of iron rod etc. would be matters to be dealt with during trial. Hence, the petition is devoid of merits and deserves to be dismissed.

ORDER

Criminal Writ Petition No.5625 of 2021 is dismissed.

(PRAKASH D. NAIK, J.)