

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

CRIMINAL REVISION NO. 166 of 2022

Shailesh Ashokrao Gadge and anr vrs. State of Maharashtra and anr

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

Court's or Judge's orders

Mr. A.M.Chandekar, Advocate for the applicants

Mr. S.M.Ghodeswar, APP for respondent/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/07/2022

1] Heard Mr. Chandekar, learned counsel for the applicants.

2] The revision challenges the order dated 24.5.2022 passed by the learned Additional Sessions Judge, Wardha, whereby the application for discharge filed by the present applicant under Section 227 of Cr.P.C. has been rejected.

3] Mr. Chandekar, learned counsel for the applicants contends that there is a delay of 4 days in filing of the complaint by the complainant in the present matter and the same is on account of a counter blast in respect of a complaint already preferred by the applicant earlier in point of time against the present complainant. He submits that the statements of the same witnesses as recorded in the complaint filed by the present applicant are contradictory to the statements of the same witnesses as recorded in the complaint filed by Sangita Awadootrao

Shende and therefore, on this ground the applicants are entitled to discharge.

4] I have perused the complaint filed as well as the impugned order. The impugned order categorically records in paras 8 and 9 that there is prima facie material available on record against the present applicant, which needs to be considered by giving an opportunity to lead evidence. It is also stated that the statements of witnesses about the incident dated 21.4.2020 implicate the present applicants which is also supported by the medical certificate of the informant issued by Sub District Hospital, Arvi, showing injuries sustained by her. Merely because there are contradictory statements in the two charge-sheets may be of the same witnesses, that by itself cannot be a ground for discharge, as the veracity of the counter statements will have to be established on the basis of the evidence to be laid on record, considering which I do not find any infirmity with the impugned order. There is no merit in the revision, The same is dismissed.

JUDGE

Rvjalit