

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

CRIMINAL APPLICATION (APPA) NO. 52/2022 IN
CRIMINAL APPEAL (ST) NO. 8709/2021

(State of Maharashtra Vs. Vasantrao S/o. Ramlal Patle)

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

Court's or Judge's orders

Mr. A. Chutke, Advocate for applicant/appellant.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 12/10/2022.

Heard.

2. The State is seeking leave to challenge the order of acquittal of non-applicant (accused) under Section 307 of the Indian Penal Code ('IPC') in Sessions Case No. 89/2017 dated 16.09.2021. The learned APP submits that the Trial Court seriously erred in acquitting accused for the charged offence under Section 307 of the IPC and without any justification, brought down the occurrence to Section 324 of the IPC.

3. We have examined the evidence of two injured witnesses along with the Medical Officer. We have also gone through the reasons assigned by the Trial Court in para 26 by which the accused was convicted for minor offence i.e. for Section 324 of the IPC instead of Section 307 of the IPC.

4. It is the prosecution case that the accused has assaulted his wife and parents-in-law on 10.07.2017 for which the report was lodged. We have gone through the

evidence of PW-5 Makarand (in-laws). He has deposed that at the time of incident, the accused has inflicted a blow at his chest by knife. He has tried to save himself from the second blow. He deposed that due to intervention of his wife and daughter, he was saved. We have also gone through the evidence of PW-7 Radhika, mother-in-law. She has equally stated about the accused inflicting by knife at the chest of Makarand. It is her evidence that while Makarand trying to avoid blow, he sustained injury at his hand. She deposed that accused assaulted his daughter Triveni at her hand and head by knife whilst she was also assaulted by knife at her neck and back. The learned APP took us through evidence of Medical Officer PW-9 Dr. Dr. Prabhatkumar Sharma along with injury certificate at Exh. 43, 44 and 45. He attracted our attention to the nature of injuries which are incise wound corresponds to the oral evidence. According to the learned APP, the accused has used sharp aged weapon having length 24 cm and he has caused injury at the chest, neck, head and thus according to him, there are essential ingredients to constitute offence under Section 307 of the IPC would attract.

5. Having regard to the above submission, we are of the opinion to grant leave and accordingly leave is granted and application stands disposed of.

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1. Heard.
2. **Admit.**

3. Action under Section 390 of the Code of Criminal Procedure be taken.
4. The learned Sessions Judge shall release accused on bail on his furnishing P.R. Bond of Rs. 5,000/- with surety in the like amount.
5. R. and P. has already been received.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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