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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.46 OF 2023

**UJJWALA KIRAN SAPKALE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. V.D. Sapkal, Senior Counsel i/b Mr. S.R.
Sapkal

APP for Respondent/State : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : JUNE 05, 2023

PER COURT:-

1. Heard learned senior counsel Shri V.D. Sapkal for the applicant and learned APP for the State.
2. The applicant has been aggrieved of framing charges below Exhibit-8 in Sessions Case No.11 of 2020, dated January 13, 2023.
3. Learned senior counsel for the applicant would argue that though the allegations have been levelled against the applicant that he has caused the injury with a sickle, no injury as such was caused. He has referred to the relevant papers of the charge sheet and would argue that considering the material as a whole, the offence under Section 307 is not made out. He would also argue that prima facie material was not available before the Court while framing the

charges. However, the learned Additional Sessions Judge mechanically framed the charges as the section was applied in the charge sheet. He has further argued that the intention to commit the offence and knowledge is apparently absent. Therefore, the charges have not been correctly framed. He prayed to allow the revision application.

4. Per contra, the learned APP for the State would submit that actual injury is not essential for an offence punishable under Section 307. The circumstances of the case are to be considered. Direct evidence of intention is seldom, and the knowledge of the accused about causing the crime is also a matter of evidence before the Court.

5. No doubt, the injury as alleged is not suffered by the injured; however, the law is well settled that for attracting section 307 of the Indian Penal Code, the actual injury is not essential. As far as the intention or knowledge of the act that may cause the death is a matter of evidence. The intention is to be gathered from all circumstances. That needs a detailed examination of witnesses. Considering the allegations levelled against the applicant and the material available on record, the Court is of the view that the learned Additional Sessions Judge, Bhusawal has correctly framed the charges. There are no errors apparent on the face of the record to

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intervene framing of the charges. In the absence of any substantial ground, the application stands dismissed.

(S.G. MEHARE, J.)

Mujaheed//