

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

998 CRIMINAL APPLICATION NO.3405 OF 2023

Mangesh @ Babalu Gokul Koli
@ Mangesh @ Babalu Gokul Sapkale

..APPLICANT

-VERSUS-

The State of Maharashtra
and another

..RESPONDENTS

...

Advocate for Applicant : Mr.Madake Datta A.
APP for Respondent/State : Mr.P.N. Kutti
Advocate for Respondent No.2 : Mr.R. R. Deshmukh

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th SEPTEMBER, 2023.**

PER COURT :-

1. Heard.
2. The applicant is one of the accused in C.R. No.159 of 2021 registered with Police Station, Jalgaon for the offence punishable under sections 326, 323, 504, 506, 143, 144, 147, 149 of the Indian Penal Code and section 37(1)(3) and 135 of the Maharashtra Police Rules, 1951 and section 4 and 25 of the Arms Act. On investigation, the charge-sheet has been filed.
3. Son of the informant was injured in the assault. The FIR

was lodged by his mother. Both, the informant and her son (injured) have filed affidavit stating therein to have arrived at a settlement with the applicant. Close reading of the FIR suggests that the applicant is not attributed with the assault with any kind of weapon. His criminal liability for offence punishable under section 326 of the Indian Penal Code is sought to be invoked with the aid of either section 34 or 149 of the Indian Penal Code. It is true that both, the informant and the victim are settling the matter selectively with the present applicant. It has been stated in the affidavit that inadvertently his name has been referred in the FIR. The same suggests whether they are reliable witnesses, if examined before the trial Court. The co-accused may rely on this order before the trial Court. Be that as it may.

4. Though the learned APP has strong reservations to allow this application, since the matter has been settled and the applicant has not been attributed with the overt act of assault with any kind of weapon, we endorse the compromise. We allow this application in terms of prayer clause "B".

5. The parties to act upon an authenticated copy of this order.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/