

Vasim Majid Patel And Another ...Applicants

Versus

The State Of Maharashtra ...Respondents

Mr. G.D. Jain, Advocate for the applicants in ABA No. 1536/2023.
Mr. B.R. Kedar, Advocate for the applicants in ABA No. 1513/2023.
Mr. G.O. Wattamwar, APP for State.

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CORAM: R.M. JOSHI, J
DATE : 3rd NOVEMBER, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 388/2023 registered with Bhusawal Bazarpeth Police Station, Dist. Jalgaon, for the offences punishable under Sections 323, 326, 506 read with 34 of the Indian Penal Code.
2. First informant reported the incident dated 22.07.2023 in which he was assaulted by applicants and co-accused. There is allegation against co-accused Wasim that he caused assault on the head with iron pipe. As far as present applicants are concerned, the allegation against them is of inflicting fists and kick blows.
3. Learned counsels for the applicants submit that co-accused against whom there is an allegation of causing grievous injury, is

already been arrested and enlarged on bail. As far as present applicants are concerned it is contended that offence under section 326 does not attracted against them. It is also submitted that there is delay of 7 days in lodging the FIR.

4. Learned APP opposed the submissions contending that informant was admitted in the hospital and hence delay in lodging the FIR is not fatal. By referring to the injury certificate it is submitted that one of the injury caused to the informant is grievous in nature.

5. As far as present applicants are concerned there is no allegation against them that they used any weapon to the informant. Grievous injury is therefore not attributed to them. Having regard to these facts, offence against the applicants may not travel beyond section 323 of IPC. In this view of the matter, applications are allowed in terms of order dated 12.09.2023. Condition for attending the police station stands cancelled.

[R.M. JOSHI, J.]