

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 779 OF 2021

Chandrashekhar Mahabala Shetty & Anr. ... Applicants
Versus
The State of Maharashtra ... Respondent

Mr. Sugandh Zende i/b. Mr. Arjun S. Kode for the Applicants.
Mr. K. V. Saste, APP for the Respondent-State

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ**

DATED : 7th JUNE, 2023

P.C.:

1. The Applicants, the employees of Mahatma Gandhi Memorial Hospital were impleaded as accused in Crime No. 221 of 2020 for the offence punishable u/s. 353, 333, 341, 504, 506, 144, 143, 147, 148, 149 of IPC.
2. The submissions of learned counsel for the Applicants are, even if the material collected during the investigation is accepted, still no offence is made out.
3. According the learned counsel for the Applicants, the CCTV footage which is of the incident in question does not implicate the Applicants as the Applicants have not participated in the commission of the offence. He would urge that the copy of the

relevant CCTV footage is not provided inspite of there being attempt on the part of the family members of the Applicants, as the request is made to the hospital authority was not attended. As such, according to him, there is no sufficient material to infer the commission of the offence of the present Applicants.

4. The fact remains that the Complainant, the Medical Superintendent was allegedly assaulted by the Applicants alongwith other co-accused. The Applicants' names are specifically reflected in the complaint. The victim, Medical Superintendent has suffered grievous hurt and the medical certificate to that effect is already produced on record. During the investigation, it is noticed that the Applicants have participated in the crime in question. As regards, the CCTV footage is concerned, the same is a matter of appreciation of evidence and can be looked only at the stage of Trial.

5. In that view of the matter, no case of quashing is made out. The Application such fails and stands dismissed.

(SHARMILA U. DESHMUKH, J) (NITIN W. SAMBRE, J.)