

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 1172 OF 2022**

Abdul Wahid S/O Abdul
KalamKhan @ Shadab

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Manoj R. Gowd a/w Ms. Kavita Durgapal for the Applicant.
Mrs. M.H. Mhatre APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.
DATE : 23rd AUGUST, 2023.**

P.C.:-

- 1) The involvement of the Applicant is apparent from the bare perusal of FIR. The Hon'ble Supreme Court in the case of *Manik B. Vs. Kadapala Sreyes Reddy & Anr. in SLP (Crl.) No. 2924 of 2023 dated 7th August, 2023* has held that at the stage of deciding an application under Section 482 Cr. P.C., it is not permissible for the High Court to go into the correctness or otherwise of the material placed by the prosecution in the chargesheet. That, the Court would exercise its power to quash the proceedings only if it finds that taking the case at its face value, no case is made out at all.
- 2) The allegation against the Applicant is of assault with a weapon on the victim.

In view thereof, we find that a *prima facie* case against the Applicant is made out. No case of quashing of FIR so also the charge-sheet is made out.

3) The Applicant is at liberty to establish his defence that, he did not assault the victim before the trial Court.

4) Application is accordingly dismissed.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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