

Judge was pleased to reject the appellant's application seeking his discharge from the said case.

3. Learned counsel for the appellant submits that the appellant has not been named in the FIR and that only subsequently, he was named in the Supplementary Statement, after about 6 to 7 days. He submits that the allegations as against the appellant are false and baseless and as such the appellant be discharged from the said case.

4. Learned APP as well as the learned counsel for the respondent No.2 vehemently oppose the appeal. They submit that the statements of the first informant – Sandip@Lalasaheb Waghmare and that of the injured – Sagar Jadhav would clearly show the complicity of the appellant in the alleged offences.

5. Perused the papers. The incident is alleged to have taken place on 27th February 2014, when the first informant – Sandip and his wife were proceeding towards their residence. It is alleged that

Sandeep Shedje and Shivaji Devkate hurled abusive words at them, pursuant to which, an NC was lodged. It is alleged that when the first informant – Sandip and his friend – Sagar were at Buddhavihar, the accused i.e. Shivaji Devkate, Sandeep Shedje, Pradhan Devkate, Vijay Devkate, Vikas Devkate, Sanjay Devkate, Vikas Bichkule, Ajay Bichkule, Balu Kale, Rasik Patil, Tukaram Pokhare, Pappu Devkate and Shinde, came on a motorcycle; and that the said persons were armed with iron rods, pipes, stumps and wooden logs. It is alleged that the accused assaulted the first informant – Sandip as well as Sagar Jadhav. After the incident, an FIR was lodged by the first informant – Sandip on 28th February 2014. No doubt, the appellant has not been named in the FIR, however, in the supplementary statement dated 4th March 2014, the first informant – Sandip has named the present appellant and one Rajendra. It is stated that the said two persons also assaulted him and Sagar Jadhav (Injured) with wooden logs and fists and kick blows. It appears that as injured – Sagar Jadhav was in coma and thereafter, critical for a few months, Sagar Jadhav's statement came to be recorded only on 16th July 2014. Sagar in his statement has

categorically named the appellant, as being one of the assailants.

6. Considering the aforesaid, it cannot be said that there are no sufficient grounds for proceeding against the appellant. Accordingly, the appeal is dismissed and disposed of as such.

7. Needless to state, that the observations made herein are *prima facie* for the purpose of deciding the prayer for discharge, and the trial Court shall decide the trial on its own merits, in accordance with law, uninfluenced by the observations made in this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.