



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CRIMINAL APPLICATION NO. 1313 OF 2024

VINOD @ VINAYAK BAPU ROKADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. N.L. Jadhav Advocate for Applicants.
Mr. N.R. Daima, A.G.P. for Respondent No.1.
...

**CORAM: SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 6th AUGUST, 2024

ORDER :

1. Present application has been filed invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the First Information Report (for short "the FIR") and the charge-sheet i.e. proceedings in Sessions Case No.58 of 2023 pending before the Additional Sessions Judge, Majalgaon, District-Beed.

2. It will not be out of place to mention here that the present applicants had approached this Court in Writ Petition No.153 of 2023 for quashing the FIR and the said Writ Petition came to be dismissed by reasoned order, on 1st March 2023. Now the change in the circumstance is that the charge-sheet is filed.

3. Learned Advocate for the applicants submits that the prayer is restricted to the offence punishable under Section 307 of the Indian Penal Code i.e. quashment in respect of that offence only. It will not be out of place to mention again that in the earlier order passed on 1st March 2023, this Court has made certain observations as regards which offences transpiring on the perusal of the FIR. There was also the observation that the charge-sheet would be required to be perused to come to a conclusion whether the offence under Section 307 of the Indian Penal Code has been made out or not.

4. Learned Advocate for the applicant points out medical certificate, which shows that injured Rangnath had sustained three injuries, (i) Lacerated wound left side of parietal region of head (ii) Lacerated wound, left side of parietal region of head, which is stated to be placed near to the first wound and (iii) Lacerated wound to parietal region of head posteriorly, and the nature of injury is simple and therefore, according to him, this description does not attract Section 307 of Indian Penal Code.

5. It is to be noted that though this appears to be the initial medico legal certificate, it also contends that the patient was referred to civil hospital, Beed for CT Brain, which was then

stated to be within normal limits. The weapon that has been allegedly used, is hard and rough edged object. All the three injuries were on the head and if we consider the other evidence i.e. FIR and statements of the witnesses, the weapon that is used is stated to be axe. Therefore, it would be premature to opine that those injuries which the informant/injured had sustained may not attract Section 307 of the Indian Penal Code. In fact the medical officer would be the best person to explain, as to whether those injuries were life threatening or not.

6. The powers under Section 482 of the Code of Criminal Procedure have to be exercised in rare cases and therefore, we do not find this to be a fit case where we can quash and set aside the proceedings for the offence punishable under Section 307 of the Indian Penal Code.

7. The Application stands rejected.

[ABHAY S. WAGHWASE]
JUDGE

asb/AUG24

[SMT. VIBHA KANKANWADI]
JUDGE