



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO.3885 OF 2022

- 1 Purbhaji Laxman Bacchewad,
Age 57 yrs., Occ. Agri.,
- 2 Balu @ Sainath Purbhaji Bacchewad,
Age 23 yrs., Occ. Agri.,
- 3 Shivaji Purbhaji Bacchewad,
Age 20 yrs., Occ. Student,
- 4 Devidas Gangadhar Bacchewad,
Age 20 yrs., Occ. Agri.,

All are r/o Pomnala, Tq. Bhokar,
Dist. Nanded.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Bhokar,
Tq. Bhokar, Dist. Nanded.
- 2 Satish Parmeshwar Bacchewad,
Age 19 yrs., Occ. Agri.,
R/o Pomnala, Tq. Bhokar,
Dist. Nanded.

... Respondents

...

Mr. Sachin Joshi, Advocate h/f Mr. S.S. Patil, Advocate for applicants
Mrs. Priya R. Bharaswadkar, APP for respondent No.1
Mr. Bhushan Mahajan, Advocate (appointed through Legal Aid) for
respondent No.2

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 12th DECEMBER, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing proceedings i.e. Charge Sheet No.76/2022 dated 07.06.2022 pending before learned Judicial Magistrate First Class, Bhokar, Tq. Bhokar, Dist. Nanded arising out of First Information Report vide Crime No.470/2021 dated 23.12.2021 registered with Police Station, Bhokar, Tq. Bhokar, Dist. Nanded, for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2 Heard learned Advocate Mr. Sachin Joshi holding for learned Advocate Mr. S.S. Patil for applicants, learned APP Mrs. Priya R. Bharaswadkar for respondent No.1 and learned appointed Advocate Mr. Bhushan Mahajan for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report would show that it was lodged at 20.47 hours on 23.12.2021 in respect of incident which had

allegedly taken place around 5.00 p.m. The informant states that when the applicants were taking their cattle from the field of informant i.e. respondent No.2 around 10.00 a.m. on 23.12.2021, the informant had told them that they should not take the cattle from his field. According to informant, applicants got annoyed and then when informant was standing on the public road in front of his house, applicant No.3 assaulted him with sickle on his chest, thereby causing bleeding injury. Other applicants were assaulting him by fists. In the meantime, informant's sister Anjana came to rescue him, at that time, she was also assaulted on her left hand with sickle. All of them had given abuses and threatening. The quarrel was separated by one Govind Chandar Bacchewad. Thus, it can be seen that role is attributed to each of the applicants. The charge sheet would show that statements of witnesses have been recorded consisting of eye witnesses, injured Anjana and especially Govind Bacchewad. There is also evidence in the form of Medico Legal Certificate, which shows that both the injured have sustained simple injuries. Informant's injury on the right side of chest is semi circular in shape. Therefore, when there is *prima facie* evidence against applicants, this is not a fit case where powers under Section 482 of the Code of Criminal Procedure to be exercised. Hence, application stands rejected.

(ROHIT W. JOSHI, J.)

agd

(SMT. VIBHA KANKANWADI, J.)