



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

**INTERIM APPLICATION NO. 1690 OF 2024
IN
REVISION APPLICATION NO. 191 OF 2024**

Madhukar Bemtya Gavand

...Applicant

vs.

The State of Maharashtra

...Respondent

Adv. Kuldeep S. Patil a/w Adv. Sampada S. Patil	Advocate for the Applicant
Ms. S. E. Phad	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 27th JUNE 2024

P. C. :-

1. Heard learned Advocate Shri Kuldeep Patil for the Applicant and learned APP for Respondent-State.

2. Learned Advocate Mr. Kuldeep Patil has made the following submissions:

- a) Offence under Section 326 is not disclosed. He has shown me the evidence of the medical officer-PW No. 7, Dr. Babasaheb Patil, at page no. 16 (he has only issued a

certificate and not given treatment)

b) the findings of the trial Court in para no. 6 and para no. 16 and para no. 26.

c) The findings of the Appellate Court are in para no. 16 onwards.

3. According to him, ingredients of Section 326 of the Indian Penal Code are not satisfied and without admitting, it is his submission at the most the offence will fall under Section 324 of the IPC.

4. He made another submission. There is an option available to the Court either to sentence him to imprisonment or fine or with both. He requested to impose fine only and imprisonment may not be imposed. If it is to be expected then first injured needs to be compensated. Let him to take instructions.

5. Matter be kept on **12th July 2024, high on board.**

[S. M. MODAK, J.]