

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

**INTERIM APPLICATION NO. 2957 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.397 OF 2024**

Shri Bhaskar Kashinath malsane ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Narayan Gopinath Rokade and Mr. Ajinkya Vilas Taskar a/w. Mr. Abhang Madhukar Suryawanshi, Mr. Udaysinh Deshmukh, Mr. Dhananjay Bhosale, Mr. Abhijeet Pawar and Ms. Pratibha Pawar :-	Advocates for Applicant.
Mr. A. S. Gawai :-	APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 5th AUGUST 2024

P.C. :-

1. Heard learned Advocate Mr. Rokade for the Applicant/ convicted Accused and learned APP.
2. The Applicant is convicted for three offences. They are as follows:-

- (i) Under Section 352 IPC – One month Rigorous Imprisonment and ₹500/- (Rupees Five Hundred only) fine.
- (ii) Under Section 323 IPC – One month Rigorous Imprisonment and ₹5,000/- (Rupees Five Thousand only) fine.
- (iii) Under Section 506 (i) IPC – One month Rigorous Imprisonment and ₹5,000/- (Rupees Five Thousand only) fine.
- (iv) Compensation of ₹10,000/- (Rupees Ten Thousand only) to be paid to the Complainant.

3. His Appeal was dismissed on 22nd July 2024. Mr. Rokade has taken following grounds :-

- (i) The language of the District Court is Marathi and there is notification issued on 21st July 1998 by the Government of Maharashtra. He relied upon following two judgments:-
 - (a) *Prashant P. Giri and others vs. State of Maharashtra and others*¹
 - (b) *Pratap Prakash Jadhav vs. The State of Maharashtra and Anr.*²
- (ii) On the point of prejudice caused to the Applicant due to not recording 313 statement in Marathi he relied upon observations in *Nababuddin @ Mallu @ Abhimanyu vs. State of Haryana*.³

4. According to him, even though independent witnesses are

1 2010 SCC OnLine Bom 733.

2 Writ Petition No. 10021 of 2022 decided on 22nd September 2022.

3 Criminal Appeal No. 2333 of 2010 decided on 24 November 2023.

available, they were not examined. Whereas learned APP made following submissions -

- (i) This ground is not taken in this Revision as well as before the Appellate Court.
- (ii) This ground has to be taken at the earliest.
- (iii) The judgments referred deals with the examination for the post of Civil Judge, Junior Division and the language of this examination.
- (iv) He relied upon observations in **Kulmeet Singh Virk vs. The State of Maharashtra**⁴ case.

5. The concurrent sentence is one month. He is already taken into custody on 22 July 2024.

6. Let this matter be kept on 6th August, 2024 on 'Supplementary Board' for passing of orders.

[S. M. MODAK, J.]

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4 Writ Petition St. No. 4187 of 2017.