

**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**

Bhaskar Kashinath Malsane

...Applicant

v/s.

The State of Maharashtra

...Respondent

Mr.Narayan Rokade i/b. Mr.Ajinkya Vilas Taskar:-	Advocate for Applicant.
Mr.Ashok Gawai:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 2nd AUGUST 2024

P. C. :-

1. Heard learned Advocate Shri.Rokade for the Applicant.
2. There is a conviction for the offences under Sections 352, 323, 506 (Part-I) and 504 of the Indian Penal Code, 1860.¹ There is acquittal for the offence punishable under Section 353 of IPC.
3. Following contentions were raised:-

¹ IPC

- (i) Independent witnesses were not examined though available.
 - (ii) The Investigating Officer is not examined.
 - (iii) Summary trial procedure is applicable whereas, the statement under Section 313 of the Code of Criminal Procedure, 1973² was not recorded in Marathi.
 - (iv) As per Section 265 of Cr.P.C., the language is Marathi. There is also a Government Resolution to that effect.³ It is taken on record.
 - (v) He relied upon the following judgments:-
 - (a) *Prashant P. Giri and others v/s. State of Maharashtra and others*⁴
 - (b) *Pratap Prakash Jadhav v/s. The State of Maharashtra and Anr.*⁵
4. Stand over to **5th August 2024**. To be listed “**High on Board**”.

[S. M. MODAK, J.]

² Cr.P.C.

³ General Administration Department : 21st July 1998.

⁴ 2010 SCC OnLine Bom 733

⁵ Writ Petition No. 10021 of 2022 : 7th September 2022 : Bombay High Court