



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**916 CRIMINAL REVISION APPLICATION NO. 306 OF 2025**

**FARHIN W/O. SUMER TAMBOLI**

**....Applicant**

**VERSUS**

**THE STATE OF MAHARASHTRA AND ANOTHER**

**.....Respondents**

Mr. A. M. Reddy, Advocate for the applicant

Mr. R. K. Ingole, APP for the respondents/State

Mr. G. R. Syed, Advocate for the respondent No.2

**CORAM : ABHAY J. MANTRI, J.**

**DATE : 09<sup>th</sup> OCTOBER, 2025**

**ORAL JUDGMENT :**

1. The applicant is aggrieved by the order dated 05-08-2022 passed below Exh. 12 in Sessions Case No. 29/2022, whereby the application filed under Section 227 of the Cr. P. C. to discharge her from the offence was rejected.

2. Heard the learned advocate for the applicant, learned APP for the state, and learned advocate for the informant. I have gone through the impugned order, charge sheet, and record, as well as the judgments relied upon by the learned advocate for the applicant.

3. At the outset, it appears that on account of the quarrel dated 21.10.2019, the incident occurred on 22-10-2019 at about

10.00 p.m. In the said incident, the informant sustained seven injuries on his person by a sickle. The medical officer examined him and issued a certificate on 28-03-2022. It prima facie appears from the medical certificate that Informant sustained fracture injuries to his right radius distal and also sustained an incised wound on the mid-forearm of his right radius. It further reveals that the injured/informant was admitted to the hospital from 23-10-2019 to 05-11-2019 with an alleged history of assault with a sharp weapon. The Doctor has also issued a certificate certifying that injuries sustained by the injured might be caused by a sharp weapon, i.e., a sickle. After completion of the investigation, a charge sheet has been filed against the applicant and others.

4. The learned advocate for the applicant vehemently contended that in the FIR, no allegations were made against the applicant, nor was the applicant shown as an accused. However, in the supplementary statement of the injured, which was recorded by the police on 06-11-2019, her name was added as an accused. This creates suspicion or raises suspicion about the false implication of the applicant in the crime. Similarly, he tried to submit that the ingredients of section 109 are not attracted against the applicant and therefore, the applicant is entitled to discharge herself from trial. To buttress his submissions, he has relied upon the judgment in Yogesh

Sachin Jagdish Joshi Vs State of Maharashtra reported in (2008) 10 SCC 394 and Kulwant Singh Kulbansh Singh Vs State of Bihar reported in (2007) 15 SC 670.

5. On the other hand, the learned APP and learned advocate for the respondent No. 2 have pointed out the medical certificate, as well as supplementary statements of the injured, eye witnesses Sayyad Gaus, who corroborates the supplementary statement of the injured and the other two witnesses, Pathan Aabed and Pathan Faij Ahmed. However, they are hearsay witnesses; they have also stated that the applicant was at the spot and instigating the accused at the time of the incident. Therefore, they submitted that the order passed by the learned Judge is just and proper and no interference is required in the revisional jurisdiction.

6. On perusal of the FIR, *prima facie*, it appears that the informant-injured lodged the FIR. After the incident, he was admitted to the hospital on the date of the incident and discharged on 05-11-2019. Thereafter, the Investigating Officer recorded his supplementary statement immediately on 06-11-2019. The only contention of the learned advocate for the applicant is that it was recorded belatedly on 06-11-2019, and the same was recorded after thought. However, on perusal of the charge sheet, it appears that in the list of the witnesses (Page No. 44), the supplementary statement

of the injured-informant is at Sr. No. 14. Similarly, one eye witness categorically stated that the applicant was present on the spot and was instigating the co-accused to beat the injured. The supplementary statements of the injured and the eyewitness are part of the charge sheet. A bare perusal of those statements *prima facie* material appears against the applicant to make out the *prima facie* case about her involvement in the present crime, as the informant in his supplementary statement has categorically stated that the applicant held his hands at the time of the incident. Therefore, a *prima facie* case against the applicant has been made out. As such, I do not find substance in the contention of the learned advocate for the applicant that his statement was recorded belatedly; therefore, it creates suspicion of false implication of her in the present crime.

7. Similarly, the observations made in *Yogesh (supra)* are hardly any assistance to the applicant. On the contrary, the same is helpful to the prosecution. Likewise, in *Kulwant (supra)*, *the facts are distinct from the case at hand; therefore, observations made in the judgment are hardly of any assistance in supporting his contention.*

8. Considering the above discussions, *it appears that the prosecution has made out the prima facie case against the applicant. The learned Sessions Court has rightly considered those facts in their proper perspective and discussed them in paras 8 and 9.* The learned

advocate for the applicant failed to point out any perversity or illegality in the impugned order to interfere in the revisional jurisdiction.

9. As a result, the criminal revision application, being devoid of merit, stands dismissed.

10. It is made clear that the learned trial court shall not be influenced by the observations made in this order, as they are of a prima facie nature.

**[ABHAY J. MANTRI, J. ]**

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