



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

CRIMINAL REVISION APPLICATION NO. 277 OF 2023

Sidram Irayya Diddi
Age: 60 years, Occu.: Business,
R/o. Vidyanagar, Sangamner,
Tq.Sangamner, Dist.Ahmednagar.

....Applicant

Versus

The State of Maharashtra
Through Police Inspector,
City Police Station, Sangamner,
Tq.Sangamner, Dist.Ahmednagar.

.....Respondent

.....
Advocate for Applicant : Mr.A.D.Sonkawade
APP for Respondent : Ms.P.V. Diggikar

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 11 NOVEMBER, 2025

ORDER :

1. Revisionist herein takes exception to judgment and order dated 17-05-2019 passed by learned Additional Sessions Judge, Sangamner, in Criminal Appeal No.17 of 2010, arising out of judgment and order dated 20-09-2010 passed by the learned Judicial Magistrate First Class, Sangamner, in RTC No.147 of 2004.

2. Brief facts of the case are that, on 01-07-2004, informant, who was working as a conductor was rendering duty in S.T. Bus bearing no.MH12 AQ-8239 i.e. Bus which was travelling from Nashik to Pandharpur. At around 11:10 a.m., when said Bus reached near Market Yard at Sangamner, the Bus suddenly stopped. Informant noticed that the applicant/accused stopped the Bus by putting his motorcycle in front of Bus. Rider of the motorcycle allegedly initially abused the Bus Driver and thereafter, manhandled him. Report to that extent was lodged resulting into registration of crime bearing no.86 of 2004 for offence under Sections 353, 324, 504, 506 of Indian Penal Code (IPC) and on being chargesheeted, case was tried vide RTC No.147 of 2004.

After appreciating the evidence and hearing both sides, learned Judicial Magistrate First Class, Sangamner was pleased to acquit the accused from offence under Sections 504 and 506, however, conviction came to be recorded for offence under Section 332 of the IPC awarding sentence as well as fine.

3. Exception was taken to above order by filing appeal before the Additional Sessions Judge, Sangamner vide criminal appeal no.17 of 2010. The said appeal came to be decided by judgment and order

dated 17-05-2019 thereby partly allowing the appeal. The conviction under Section 332 of the IPC is confirmed, however, sentence came to be modified and accused is directed to suffer simple imprisonment till rising of the Court. Order of fine was kept intact. Dissatisfied by the same, present revision has been preferred.

4. Heard both sides.

5. According to learned counsel for applicant, there is false implication, as according to him, there was no legally acceptable evidence regarding commission of offence under Section 332 of the IPC. Learned counsel pointed out that, on same set of evidence, revisionist has been acquitted from rest of the charges. Learned counsel took this court through the evidence of PW3 Abaji (independent witnesses), and PW5 Gadakh (Investigating Officer) and would submit that learned trial Court failed to consider evidence of these witnesses in proper perspective and he further submits that, only evidence of informant PW1 Dhongde (Conductor), PW2 Avhad (Driver) PW4 Dr.Sandip (Medical Expert) has been considered and appreciated by the learned trial Court. His second submission is that, in fact it is the Bus Driver, who has given dash to motorcycle of

accused, but to save Driver from losing his service, false report has been lodged regarding commission of above offence. According to learned counsel, in the light of availability of evidence gathered by the investigating machinery, essential ingredients for attracting offence under Section 332 of the IPC is patently missing and even evidence of PW2 Avhad, Driver is silent about previous occurrence of accident. For all above reasons, he urges to allow the revision as according to him, revisionist who is a Councilor, is keen in getting a stigma/blot of conviction washed away.

6. Supporting the impugned judgment, learned APP would point out that, after the alleged impact between two vehicles, accused had gone to the Driver, opened his door and manhandled him. Thus, according to her, such acts of revisionist are clear indication of obstruction of duty of Bus Driver. She would also seek reliance on evidence of PW1 Conductor, PW2 Driver as well as PW4 Medical Expert, who according to her, had occasion to physically examine victim and issue medical certificate exh.39 indicating injuries in the episode of manhandling and therefore, with such quality of evidence, she urges dismissal of revision for want of merits.

7. Visited the evidence on record. PW1 Dhongde is the Conductor and his evidence is at exh.27. He has set law into motion by filing complaint exh.28. PW2 Avhad is the Bus Driver and his evidence is at exh.33. PW3 Abaji is a passenger and his evidence is at exh.36. On re-analysing and re-assessing the evidence of these three witnesses, it has clearly come on record, that on 01-07-2004, when S.T. Bus was proceeding from Nashik to Pandharpur, there was mishap between Motorcycle and said Bus. Present revisionist, who was rider of the Motorcycle allegedly assaulted the Bus Driver and Conductor.

PW1 Dhongde, who is a conductor as well as PW3 Abaji, who is a passenger, they both are consistent about seeing PW1 Dhongde being assaulted by means of fist blows. PW4 is the medical expert, who was attached to Cottage Hospital, Sangamner and had occasion to examine Sanjay Dhongade i.e. Conductor of the Bus. Examination seems to be of the same day i.e. 01-07-2004. This witness has given description of three injuries during examination and he has identified medical certificate exh.39 issued by him. Their evidence has virtually remained unshaken.

With such quality of evidence, case for offence under Section 332 of the IPC is apparently made out. All necessary ingredients for

attracting said offence is very much available in above discussed evidence. Submission made before this Court in revision that, evidence lacks essential ingredients, has no substance. Finding no merits in the revision, no interference is called for. Accordingly, following order is passed :

ORDER

Criminal Revision Application is rejected.

**(ABHAY S. WAGHWASE)
JUDGE**