



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

CRIMINAL REVISION APPLICATION NO. 117 OF 2024

Anil s/o Bhanudas Thorat
Age: 56 years, Occu.: Labourer,
R/o. A-06, R-03, Tirupati Enclave,
Jalan Nagar, Station Road, Aurangabad,
Tq. & Dist. Aurangabad.

....Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra
2. Satish s/o Jagannath Sadamate
Age: 62 years, Occu.: Retired -
Government Officer,
R/o. : Regional Transport Office,
Station Road, Aurangabad,
Tq. & Dist.Aurangabad.

.....Respondents
(Resp.no.2 Orig. complainant)

.....
Advocate for Applicant : Mr. Nitin Trimbak Tribhuwan
APP for Respondent no.1 : Ms.P.V. Diggikar

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 NOVEMBER, 2025

PRONOUNCED ON : 20 NOVEMBER, 2025

ORDER :

1. In this revision, there is challenge to the order dated 12-02-2024, passed by learned Assistant Sessions Judge, Aurangabad, on application exhibit 6 in Sessions Case No.653 of 2019.

2. Facts giving rise to the revision are that, one Satish Jagannath Sadamate, lodged report with Vedant Nagar Police Station alleging that, he was working as Regional Transport Officer in Regional Transport Office at Aurangabad. On 08-03-2019, a function on occasion of International Women's Day was organized. It is alleged that, present revisionist questioned complainant for not being invited for the said programme and it is alleged that, revisionist created ruckus and noise, manhandled the complainant and after abusing him in filthy language, intimidated him. On receipt of report to that extent, FIR has been lodged bearing No.48 of 2019 for commission of offence under Sections 353, 452, 509 of the Indian Penal Code (IPC) and under Section 7 of the Criminal Amendment Act. After investigation, chargesheet came to be filed for the above offence.

3. Present revisionist instituted application under Section 227 of the Code of Criminal Procedure seeking discharge on the ground that there is no material to proceed against him. Learned Assistant Sessions Judge, Aurangabad, by order dated 12-02-2024, rejected the said application. Hence, present revision.

4. Learned counsel for revisionist would submit that there is false

implication. That, FIR itself was false and fabricated, instances quoted therein are of 2017, 2018 and not related to actual incident of 2019. According to learned counsel, there was no obstruction, use of force and allegations to that extent are non-specific. That, learned trial Court failed to comprehend the allegations in the correct spirit and without applying its mind to the material in the chargesheet, rejected the prayer for discharge. That, even aspect of delayed FIR has not been appreciated and therefore, it is urged that instant revision be allowed by setting aside the impugned order.

5. Per contra, learned APP took this Court through the papers and would submit that, there are clear allegations about use of force, obstruction, verbal abuse, intimidation and threats. That, there is direct as well as independent eye witness account. That, statements of crucial witnesses are recorded under Section 164 of the Code of Criminal Procedure and therefore, according to her, no fault can be found in the order of rejection of application for discharge.

6. Heard. Perused the papers.

7. Present respondent no.2 has set law into motion by approaching Vedant Nagar Police Station alleging that on

08-03-2019, present revisionist forced his entry in his cabin and questioned him for not inviting him for the function. Again on 23-01-2019, it is alleged that present revisionist forced his entry in the cabin by forcibly pushing the security guard and hurling abuses. Therefore, on report to that extent, crime seems to have been registered for offence under Sections 353, 452, 509 of the IPC and under Section 7 of the Criminal Amendment Act.

8. Chargesheet comprises of statements of complainant and several witnesses, who were present at the spot including statement of security personnel. Their statements are also recorded under Section 164 of the Code of Criminal Procedure. Therefore, when there is ample evidence regarding the occurrence, it cannot be said that there is no material to proceed for trial.

9. Law is fairly settled that, Court dealing with discharge application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor

meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of State of Bihar v/s Ramesh Singh (1977) 4 SCC 39; Union of India v. Prafulla Kumar Samal and Another (1979) 3 SCC 4, and a decade back in the cases of Sajjan Kumar v. Central Bureau of Investigation (2010) 9 SCC 368; Amit Kapoor v. Ramesh Chander and another (2012) 9 SCC 460; State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others. (2014) 11 SCC 709; Asim Shariff v. National Investigation Agency (2019) 7 SCC 148; and Ram Prakash Chadha v. State of Uttar Pradesh (2024) 10 SCC 651.

10. In the light of above legal position, in the case in hand, there being *prima facie* material to proceed for trial, this court does not find it a fit case to accord discharge as prayed. Accordingly, following order is passed:

ORDER

Criminal Revision Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE

Later on :

11. Observations made herein above are restricted to decision of present Revision. Trial Court should not get influenced by the same.

(ABHAY S. WAGHWASE)
JUDGE

SPT