

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

Criminal Revision Application No. 647 of 2024

Harsh Ambalal Lohia

Aged 36 years, an Indian,
permanently residing at 3/301,
Navratan Complex, Udaipur
City, Rajasthan – 313 001.

... Applicant

versus

The State of Maharashtra
(Through Azad Maidan Police Station,
Mumbai)

... Respondent

Mr Ganesh R Dalvi, for the Applicant.

Mr V N Sagare, APP, for the respondent/ State.

API Anand Shahane, Azad Maidan Police Station, Mumbai, is
present.

Coram: R.N. Laddha, J.

Date: 3 March 2025

P.C.:

Heard learned Counsel appearing on behalf of the
applicant and learned Additional Public Prosecutor representing
the respondent/State.

2. The legality, propriety and correctness of order dated
27.09.2024 passed by the learned Additional Sessions Judge,

Mumbai, in Sessions Case No.924 of 2019, is assailed in this revision application. The learned Judge, by this order rejected the application filed by the applicant/accused to discharge him.

3. The learned Counsel of the applicant/accused submits that the essential elements of the offences for which the applicant was charged are not present in this case. To support this, the learned Counsel referred to the statements of the informant and witnesses. According to the learned Counsel, the learned trial Court did not evaluate the statements properly and was influenced by several assumptions that are not supported by the material on record. Reliance is placed on the judgment of Ramprakash Chadha Vs. State of Uttar Pradesh, Criminal Appeal No.2395 of 2023 [SLP (Cri) No.6687 of 2023].

4. The learned APP has argued supporting the decision arrived at by the learned trial Court. According to the learned APP, the entire charge sheet containing statement of witnesses shows that the applicant/accused was all along with accused No.1 and has committed the offence.

5. This Court has carefully considered the submissions made at the Bar and perused the material on record.

6. Upon reviewing the records, it is evident that the witness

statements, including that of the informant, unequivocally indicate that both accused persons assaulted and engaged in an altercation with the informant and the Resident Medical Officer at Tejpal Hospital Mumbai, thereby obstructing them in the discharge of their official duties. Prima facie, these statements, suggest the involvement of the applicant/accused in the alleged offence, based on the material available on record. At this stage, it cannot be conclusively held that there are no sufficient grounds to proceed against the applicant/accused, as such a determination falls within the purview of the trial proceedings. In the present case, if the allegations made in the complaint are taken as they are, no case is made out for discharge of the applicant/ accused.

7. In light of the above, I do not find any merit in this revision application. Accordingly, the revision application stands dismissed.

(R.N. Laddha, J.)