

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6628 OF 2025**

Jalil Hasan Mohd Patel

... Petitioner

V/s.

State of Maharashtra & Ors

... Respondents

Mr. Mohsin Shaikh for the Petitioner.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

Mr. Shivaji Khade, P.S.I. attached to Kashimira Police Station.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 15th DECEMBER, 2025**

P.C. :

- 1) By this Petition, the Petitioner seeking addition of Section 326 read with 34 of the Indian Penal Code, 1860 ('IPC') to F.I.R. No.890 of 2020.
- 2) Heard Mr. Shaikh, learned Advocate for the Petitioner and Mr.Satpute, APP for the Respondent No.1-State. Perused charge-sheet.
- 3) Perusal of F.I.R. lodged by the Petitioner indicates that, the Petitioner himself has stated therein that, his younger brother Khalil Patel with knife and co-accused Afsar Khatib with an iron spanner hit on his head due to which the Petitioner fell down. After the crowd of neighboring persons gathered at the scene of offence, the accused persons stopped assaulting the Petitioner. The Petitioner thereafter himself got up from the floor, boarded an auto rickshaw and went to Kashimira Police Station. As there was a bleeding injury, the police gave him a requisition Form for medical treatment.

Petitioner thereafter took medical treatment at Shatabdi Hospital, Kandiwali, Mumbai and thereafter lodged F.I.R. No.890 of 2020.

The Medical Certificate dated 26th November 2020, issued by Bharatratna Dr. Babasaheb Ambedkar Hospital, Kandivali (W), mentions the following injuries on the person of the Petitioner :-

Sr. No.	Nature of Injury	Size of each injury (Length X Breadth & Depth in cms. Direction toiling if any)	On what part of the body inflicted With Reference to two anatomical Landmarks	By What weapon inflicted Blunt / Sharp / Firearm etc.	Age of injury (Hours days)	Simple Grievous Dangerous to life	Remarks Investigation / Smell. Intoxication any of the systemic findings / relevant infoamtion, etc.
	1. CLW 2.Abrasion [AS per OPD papers]	1 cm x 0.5 cm x 0.2 cm	Left temporal area of head	blunt object	24 hrs 24 hrs	Simple Simple	ENT reference for Nose trauma

4) The Medical Certificate issued in favour of the Petitioner corroborates his version to the extent of assault with an iron rod on his head. The Medical Officer has categorically stated that, the said injury was possible due to a blunt object and was simple in nature.

5) Perusal of entire record indicates that, there is no reason to have a different view then expressed in the Medical Certificate dated 26th November, 2020 and therefore according to us Section 326 read with 34 of I.P.C need not be applied to the crime in question.

6) There are no merits in the Petition and it is accordingly dismissed.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)