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

CRIMINAL REVISION APPLICATION NO.329 OF 2025

XYZ, through his natural
guardian Samir Vinod Vora ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Pranav Badheka, Senior Advocate with Mr. Ashok Pandey, Mr. Ravichandra Hegde and Mr. Kandarp Trivedi i/by RHP Partners for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-State.

Ms. Varshali Chavan, PSI, Santacruz Police Station, is present.

CORAM : AMIT BORKAR, J.

RESERVED ON : OCTOBER 7, 2025

PRONOUNCED ON : OCTOBER 9, 2025

JUDGMENT:

1. The present Revision Application has been preferred by the applicant challenging the judgment and order dated 4 June 2025 passed by the learned Principal Magistrate, Suburban Juvenile Justice Board, 21st Court, Dongri, Mumbai, below Exhibit-11 in CC No.366/JW/2024, whereby the discharge application filed by the applicant came to be rejected.

2. The case of the prosecution, in brief, is that on 6 April 2024, at about 3.30 a.m., the complainant along with his friend, Mr. Aditya Dhariwal, was alighting from the lift at Bastion Restaurant,

Dadar. At that time, he saw one of his acquaintances, Mr. Deeyan Paraswani, in the company of the present applicant. Upon noticing the complainant, the applicant allegedly called him a “Khalistani”, which resulted in a heated verbal altercation. During the said exchange, both Deeyan Paraswani and the complainant tried to mediate and diffuse the situation. It was then mutually agreed that in order to resolve the matter amicably, they would meet near Bombay Adda, Santacruz (West).

3. At around 4.20 a.m., the complainant and his friend Aditya Dhariwal reached near Bombay Adda, where one Harsh Bagnani, a friend of Deeyan, was already present. The complainant enquired from Harsh whether Deeyan and the applicant were coming, to which Harsh replied that they would arrive shortly. After some time, Deeyan passed by the spot in a car. Thereafter, three persons arrived on a scooter. Upon alighting, they started assaulting the complainant and his friend Aditya. One of the assailants, wearing an iron kada, struck the complainant on his ear, causing bleeding. Aditya was also assaulted, resulting in profuse bleeding from his nose. After inflicting injuries, the three accused persons fled the scene on their scooter, driving in the wrong direction. The complainant's driver immediately took both injured persons to Hinduja Hospital, Khar (West), where they were given medical treatment.

4. Thereafter, the complainant and Aditya went to the complainant's house. Since Aditya's t-shirt was stained with blood, it was kept at the complainant's residence, and was later recovered by the police during investigation. Aditya informed the

complainant that he would report the incident to the police the next day. The complainant, out of fear, did not inform his parents immediately. On 7 April 2024, at about 10.00 p.m., the complainant narrated the incident to his family, following which his brother accompanied him to the police station, where the First Information Report came to be registered.

5. Learned Senior Advocate Mr. Badheka, appearing for the applicant, submitted that the applicant was not present at the spot when the complainant and his friend were assaulted by the co-accused. He submitted that the alleged meeting at Bombay Adda was only for the purpose of amicable settlement of the earlier quarrel that had occurred at Bastion Restaurant, Dadar. It was further submitted that the statements of independent witnesses clearly indicate that the complainant and his friends were under the influence of alcohol at the relevant time when they reached Bombay Adda.

6. Learned Senior Advocate further contended that the prosecution cannot rely upon the statement of co-accused as the same is devoid of evidentiary value. Referring to the impugned order, it was submitted that the learned trial court failed to assign any cogent or specific reasons for rejecting the discharge application. The only observation recorded by the trial court was that “the facts of the case narrated in the charge-sheet itself show prima facie involvement of CIGLs in the offence” and that the defence had failed to show substantial grounds for discharge. Reliance was placed upon the judgment of the Orissa High Court in *Shibaram Sahu vs. State of Odisha (Vigilance Department)*,

2022 SCC OnLine Ori 2057, and upon the judgment of this Court in *Pruthviraj Baba Deshmukh vs. Mandabai Bajirao Bade & Ors.*, Criminal Application No.5361 of 2011 (Aurangabad Bench) decided on 9 December 2016, to contend that the trial court is under a legal obligation to pass a reasoned order while deciding an application for discharge.

7. Per contra, Mrs. Rajashree V. Newton, the learned APP drew attention to the statements of eye-witnesses who were present when the co-accused assaulted the complainant and his friend. It was submitted that the witnesses have categorically stated that the co-accused were friends of the applicant and that they had come to the place of incident at the instance of the applicant. The witnesses have further stated that the assault was carried out using an iron object on the face and head of the victim, causing bleeding injuries. Reference was also made to the medical certificate dated 6 April 2024, which records a CLW over the right lower nose, swelling over the nose, and bleeding from the mouth and nose, consistent with the nature of assault described by the witnesses.

8. The learned APP submitted that the material on record, including the statements of witnesses and medical evidence, prima facie establish that the assault was instigated by the applicant. Hence, even if the applicant was not physically present at the scene of the offence, his involvement through instigation is evident. In these circumstances, the trial court rightly rejected the discharge application. The impugned order, though brief, shows application of mind, as the trial court observed that there exists material sufficient to proceed with the trial, and that discharge can

be granted only when the charge appears groundless. It was therefore submitted that the facts narrated in the charge-sheet disclose a prima facie case against the applicant, and the revision application deserves to be dismissed.

9. Having considered the rival submissions and perused the material placed on record, the following reasons arise for determination of the present Revision Application.

10. The challenge in this revision is directed against the order dated 4 June 2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Dongri, Mumbai, rejecting the discharge application filed by the applicant. The central question is whether the trial court erred in refusing to discharge the applicant despite the material relied upon by the prosecution being, according to the applicant, insufficient to establish his prima facie involvement.

11. At the stage of considering an application for discharge, the court is not required to meticulously weigh the evidence as would be done at the conclusion of trial. The court is only to examine whether the material placed on record, if taken at its face value, discloses the commission of any offence and whether the charge appears to be groundless. The settled principle, is that if there exists a strong suspicion of involvement of the accused, the matter must proceed to trial.

12. The prosecution material consists of the FIR, statements of witnesses recorded under Section 161 of Cr.P.C., and the medical certificate of the complainant and his friend. The statements of eye-witnesses categorically state that the co-accused, who

assaulted the complainant and his friend, were known associates of the present applicant and that they had arrived at the place of incident at his instance. The statements further disclose that the assault followed immediately after the altercation between the applicant and the complainant at Bastion Restaurant, Dadar, earlier that night.

13. The medical certificates of both the complainant and his friend clearly record injuries in the form of lacerated wounds, swelling, and active bleeding. These injuries match the manner in which the assault is described by the witnesses. The injuries are therefore not superficial or doubtful but are consistent with the force and type of assault stated in the prosecution case. The hospital records and the doctors' notes leave little room for doubt that the victims were physically attacked, and that the assault was deliberate and violent in nature.

14. The statements of the witnesses who were present at the spot are also uniform and consistent. Each of them has stated that the attack was carried out by persons who were friends or known associates of the present applicant. Their accounts about the time, place, and sequence of events are almost identical. Such consistency at the initial stage gives reasonable support to the version of the prosecution that the assault was not random but had a background connected to the earlier quarrel between the applicant and the complainant.

15. At this stage of the case, the court is not expected to make a detailed examination of whether every fact will finally stand

proved. The court has only to see whether the material on record, if accepted as true, shows that there is a reasonable ground to believe that the accused was involved. When the witnesses state that the assault was carried out at the instance of the applicant, it creates a strong presumption that he played a role in planning or directing the attack, even if he was not physically present at the place of assault.

16. Under criminal law, a person may be held responsible not only for the act he himself commits but also for acts done by others when such acts are part of a common plan or intention shared by them. Section 34 of the Indian Penal Code recognizes this principle. If several persons act together with the same intention to cause harm, each one is held equally liable for the result of their combined act.

17. Here, the material on record suggests that the applicant had a quarrel with the complainant earlier that night, and soon thereafter, his associates reached the place where the complainant was waiting and assaulted him. This close sequence of events indicates that the assault may have been a continuation of the earlier dispute. It is, therefore, not possible at this stage to conclude that the applicant had no connection with the incident.

18. Whether the applicant actually instigated or conspired for the assault will be determined during the trial after the witnesses are examined and cross-examined. For the present, there is sufficient ground to hold that the material collected by the prosecution, if accepted at face value, discloses a prima facie case

of common intention, making it necessary for the trial to proceed.

19. The contention of the learned Senior Advocate that the statement of co-accused is inadmissible is correct as a proposition of law. However, the present case does not rest solely upon such statement. The material placed by the prosecution, including statements of independent witnesses and medical record, discloses a prima facie case sufficient to proceed with trial.

20. As regards the grievance that the trial court did not assign detailed reasons while rejecting the discharge application, it is true that judicial orders must reflect reasons to indicate application of mind. However, it is equally settled that the extent of reasoning required at the stage of discharge is limited. The trial court is not expected to write a detailed judgment evaluating evidence. What is necessary is that the order should show that the court has applied its mind to the material and found sufficient ground to proceed with trial. The impugned order records that the facts narrated in the charge-sheet disclose prima facie involvement of the applicant and that the grounds raised for discharge are not substantial. The order thus satisfies the minimum requirement of application of mind.

21. The scope of revisional jurisdiction is narrow. Unless the order under challenge suffers from patent illegality, perversity, or failure of justice, interference is not warranted. The trial court has considered the material available on record and reached a plausible conclusion that there exists sufficient ground to proceed against the applicant. No perversity or illegality is shown which

would justify interference under Section 397 read with Section 401 of Cr.P.C..

22. In view of the foregoing discussion, I am satisfied that the trial court has rightly rejected the discharge application. The material on record discloses a prima facie case and a strong suspicion regarding the applicant's role in the offence. It is therefore not a fit case for discharge.

23. Hence, the Revision Application stands dismissed. No order as to costs.

(AMIT BORKAR, J.)