



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO.196 OF 2021

GAJANAN S/O LAXMANRAO PADGHAN AND 3 OTHERS

VS

STATE OF MAH. THR. DISTRICT GOVT. PLEADER AKOLA TQ. AND DIST.AKOLA
AND ANOTHER

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Bhushan Dafle, Advocate for the applicant/s
Mr. M.J. Khan, APP for the non-applicant No.1/State
Ms Anshula Paunikar h/f Mr. S.V. Sirpurkar, Advocate for the non-applicant No.2

CORAM : ANIL S. KILOR, J.

DATE : 14th FEBRUARY, 2025

1. This application takes exception to the judgment and order dated 02.11.2019, of the learned Sessions Judge, Akola, confirming the order 31.01.2018 issuing process against the applicants, passed by the learned Judicial Magistrate First Class, Murtizapur.
2. The offence is in respect of the ill-treatment given by the applicants/police officials to the present respondent No.2/accused.
3. The process was issued by the learned Judicial Magistrate First Class on the basis of the inquiry report submitted by the Joint Civil Judge Junior Division & Judicial Magistrate First Class, Murtizapur, which was conducted on the direction of the learned Principal District Judge, Akola, vide confidential letter dated 09.08.2017.
4. In the inquiry report it is categorically mentioned

that the Doctor, who had examined the accused on reference by the learned Magistrate and given a report that no injury was found on the person of the accused, his statement was recorded and in his statement, he stated that the accused made a complaint to him that there is severe pain over his whole body.

5. It is apparent on the face of the record that despite the specific complaint, the Doctor did not refer him for X-ray or conduct further examination and gave report that no injury is found.

6. Whereas, in the subsequent examination, more particularly in the X-ray report, a fracture injury was found on the left lower side of the chest of the accused.

7. The learned Judicial Magistrate First Class, Murtizapur, accordingly, observed that the Medical Officer has done the medical examination of the accused as an empty formality in spite of complaint of the accused about severe pain over his whole body. It was also observed that it was duty of the Medical Officer to carry out X-ray of the accused, but it was not done.

8. In the above referred backdrop, I do not find it safe to rely upon the certificate of the Medical Officer and to say that the learned Sessions Judge, Akola has committed error in confirming the order of issuing process by the Judicial Magistrate First Class, Murtizapur.

9. In that view of the matter, I do not find any merits in

the present application and accordingly, the application is rejected.

(ANIL S. KILOR, J.)