



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

CRIMINAL APPLICATION [APL] NO. 765/2024

Manohar S/o Sakharam Zungare and Another

-- VERSUS --

State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. V.K. Paliwal, Advocate for the Applicants.
Mr. Ujwal Phasate, A.P.P. for Non-applicant No.1/State.

CORAM : ANIL L. PANSARE, AND
M.M. NERLIKAR, JJ.

DATE : AUGUST 12, 2025.

The application is for quashing the charge-sheet filed before the Sessions Court, Akola. The charge-sheet is filed for the offences punishable under Section 143, 147, 149, 353, 332 and 504 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Medical Service Person and Medicine Service Institution (Prevention of Violence and Damage or loss to Property Act, 2010).

2. Having heard both sides. It transpires that the allegations against the applicants are that they were party to the ruckus created in Sub-District Hospital, Murtizapur. They have assaulted Outdoor Patient Attendant of Outpatient Department (OPD), Dr. Vishal Yadvar and Police Constable-Mr. Wankhede.

3. The learned Additional Public Prosecutor has invited our attention to the statement of the Outdoor Patient Attendant who has stated about the incident that occurred on 23/08/2022. The statement indicates that while the doctor and the attendant were preparing for post-mortem of the deceased, around 8-10 people entered the hospital and created ruckus on the ground that they will not permit the post-mortem until the husband of the deceased-women transfers property in the name of their son. In the process, they assaulted the Public Servants which includes the Medical attendant, Police Constable and Doctor. The incident was videographed by the people who were present in the Court. The witnesses have identified the applicants as the person responsible for the assault and have named them in the statement.

4. Learned Additional Public Prosecutor submits that similar is the statement of Dr. Vishal Yadvar (Page No.126) as also Police Constable – Mr. Ravindra Kalaskar (Page No.127) and one Mr. Pravin Wankhede (Page No.128). Mr. Pratik Kurekar (Page No.129) who is press reporter. He was present at the spot. He is the one who has videographed the said incident and stated that the relatives of the deceased were assaulting the informant and the other witnesses.

5. Thus, there are eye-witnesses to the incident.

6. Learned counsel for applicants submits that applicants have been falsely implicated in the case. They had been to hospital because applicant no.1 was not keeping well. Applicant No.2 accompanied the applicant No.1.

7. In our view, the story put forth by the applicants is something, truthfulness of which can only be disclosed in the trial. The charge-sheet cannot be quashed on the basis of such submissions. What we find from the charge-sheet is that there are many witnesses who have identified the applicants, assaulting public servants.

8. That being so, no case is made out for quashing the charge-sheet. The Criminal Application is, accordingly, **rejected**.

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]