



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

CRIMINAL APPLICATION [APL] NO.1129 OF 2022

[Ghanshyam s/o Rajendra Dhole and others .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri G.R. Dhole, Applicant in Person,
Shri G.S. Umale, APP for Non-Applicant No.1/State.
Shri M.V. Rai, Advocate for Non-Applicant No.2.
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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : 09.06.2025.

P.C.

1. By this application, the applicants are charge-sheeted for the offence punishable under Sections 294, 323, 506 r/w 34 of the Indian Penal Code, vide Chargesheet No.84/2021 registered with Police Station, Malkapur (Rural), District-Buldhana.

2. Applicants questioned the registration of offence as well as the chargesheet filed against them on the ground that there is a long dispute of trust property and present non-applicant no.2 being a Priest of the Temple is trying to grab the property of the trust. Hence, according to him, rival political group of the trust by hatching conspiracy against them, lodged police complaint in the matter.

3. Learned Additional Public Prosecutor and Non-Applicant No.2 strongly opposed the application. According to them, the investigation is completed in the matter and from the investigation papers it is revealed that Non-Applicant No.2 got injury and there are statements of independent persons which prima facie shows involvement of applicants in the commission of offence. Hence, present application deserves to be rejected.

4. We have heard the rival submission of both the parties and perused the record as well as the chargesheet. In this case, on 19.10.2021 as per Non-Applicant No.2, the present applicants scattered the crop of soyabean on the public road in front of Shri Yogiraj Govind Maharaj Temple. Due to the said act of applicants, the public road was obstructed and, therefore, request was made to keep aside the said crop of soyabean. On that count, there was verbal altercations which was turned into scuffle. As such, according to Non-Applicant No.2, in that scuffle, she was abused by the present applicants.

5. In support of his submission, Non-Applicant No.2 has relied upon the injury certificate enclosed with the chargesheet. Hence, it is clear that there was a scuffle and out of that incident, Non-Applicant No.2 caused injury.

6. In the present case, from the chargesheet it is clear that there is an injury report, statements of independent witnesses which prima facie shows that there is a quarrel and out of that quarrel, non-applicant no.2 received injury. The statements of independent witnesses are also stating the same facts. Hence, it is

not a fit case to conduct the mini trial at this stage to evaluate the evidence from the record to find out the truthfulness or otherwise of the allegations levelled by the prosecution against the applicants.

7. Non-Applicant No.2 further stated that she has filed police complaint at 14.08 hours to the Police Station on 19.10.2021 and same was registered as Crime No.0261/2021. However, to give counter blast to the said police complaint, the present applicants lodged subsequently police complaint against her husband at 22.21 hours on 19.10.2021 which was registered as Crime No.0264/2021. Hence this is one more reason to not consider the merits of the matter at this stage. Hence, for the aforesaid reasons, the application is **rejected**.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)