



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

CRIMINAL REVISION APPLICATION (REVN) NO. 8 OF 2024

1. Prafulla s/o. Narayan Mahajan,
Aged about 65 years, Occu – Agriculturist

2. Lallita w/o. Prafulla Mahajan,
Aged : 54 Years, Occ : Household,
R/o. : Sarmaspura Achalpur City, Tq.
Achalpur Dist. Amravati

....**APPLICANTS**

....**VERSUS**....

The State of Maharashtra,
Through Police Station Officer, P.S.
Samraspura, Achalpur, Dist. Amravati

....**NON-APPLICANT**

Shri P.V.Navlani, Advocate for applicants.
Shri N.S.Autkar, APP for non-applicant/State.

CORAM : RAJNISH R. VYAS, J.

DATE: 22/09/2025

ORAL JUDGMENT

Heard.

2. **Admit.**

3. The matter is taken up for final disposal by
consent of both the parties.

4. By way of instant application, the applicants who are the original accused are challenging the order rejecting their discharge application by learned Additional Sessions, Achalpur on 12/07/2023.

5. In short, it is the case of the applicants that the offence under Section 307 of Indian Penal Code (I.P.C) is not made out against them since the injury is of simple in nature. It is further pointed out that, if the averments made in the First Information Report (FIR) as well as the material in the charge-sheet are seen at the most, the case would fall under Section 324 or 323 of IPC.

6. Per contra, Mr. Autkar, learned APP for the State has brought my attention to the medical evidence which according to him makes out a case for prosecution under Section 307 of IPC.

7. With the help of both the parties, I have gone through the charge-sheet as well as the medical evidence produced. In short, it is the case of the informant that before eight years from the date of the incidence, she had undergone

a surgery of vaginoplasty. On the day of incident, when the applicant nos. 1 and 2 who are the husband and wife were proceeding, they saw the informant and uttered some words which caused annoyance to the informant. According to the informant, applicant no. 2 caught-hold her and the applicant no. 1 beaten her which resulted into injury which is mentioned at page 130 of the application filed. I have also perused page 106 of the application which is the medical report. The said medical report issued by Medical Officer, Sub-District Hospital, Achalpur if perused, it would reveal that the Provisional Diagnosis is Blunt Trauma to vaginal area and sever abdominal pain.

8. Considering the fact that, earlier surgery was performed on the informant and injury has been caused on the private part, I am not inclined to interfere with the order impugned. At this stage, Mr. Navlani, learned counsel for the applicant has brought my attention to page 115 wherein no external injury has been noticed, and only pain and discomfort at the genital region is mentioned. According to

him, even two other reports corroborate the aforesaid finding. Be that as it may, the injury is not *sine qua non* for charging a person under Section 307 of IPC. The offence under Section 307 of IPC is not only intention based but also knowledge based offence. The knowledge of the applicants can be tested during the course of trial only. That being so, I am not inclined to interfere in the order. Therefore, the Criminal Revision Application is **dismissed**.

(RAJNISH R. VYAS, J.)