IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CRIMINAL REVISION APPLICATION NO. 271 OF 2022

PIRAJI NAGORAO PALEWAD
BALAJI PIRAJI PALEWAD
VERSUS
THE STATE OF MAHARASHTRA,
THR. THE POLICE STATION, UMRI,
TQ. UMRI, DIST. NANDED

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Mr V. S. Undre and Mr V. S. Dhotre, Advocates for Applicants
Ms B. B. Gunjal, APP for Respondent/State

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 09th OCTOBER, 2026

P. C. :

1. Heard Mr Undre, learned Advocate for the applicants and the learned APP Ms Gunjal for respondent/State.

2. The applicants are challenging the impugned judgment and order dated 23/08/2022, passed by the learned Additional Sessions Judge, Bhokar in Criminal Appeal No.02/2017, whereby the conviction order dated 06/12/2016, passed by the learned Judicial Magistrate First Class, Umri in R.C.C. No.266/2011, came to be confirmed. Vide the said judgment and order, learned Judicial Magistrate First Class, Umri convicted the applicants for the offence punishable under Section 324 read with Section 34 of the Indian Penal

Code and sentenced them to suffer rigorous imprisonment for one year and to pay a fine of Rs.2,000/-, in default to pay fine, to suffer rigorous imprisonment for one month.

3. The applicants came to be convicted under Section 324 read with Section 34 of the Indian Penal Code for the reasons that, according to the prosecution, the informant Laxman Malhari Mudewad alongwith his wife were standing in front of their house and at that time the applicants alleged to have quarreled with them on account of character of wife of the informant. The applicants, thereafter, assaulted the informant on his lips with a knife. Due to assault, the informant sustained bleeding injury. At that time, eye witnesses PW-3/Hanmantu Gyaralu and PW-7/Govind Maroti Masewad had intervened and thereafter, the informant lodged the report. On the basis of said report, crime was registered for the offences punishable under Sections 324, 504, 506 read with Section 34 of the Indian Penal Code. During the course of investigation, knife was seized in the presence of Panch witnesses and the charge-sheet was filed by the Investigating Officer. Charge were framed against the applicants at Exhibit 10, and thereafter, as the applicants pleaded no guilty, they came to be tried. The prosecution examined 10 witnesses in order to prove the charges against the applicants.

4. Mr Undre, learned Advocate for the applicants submits that the learned Trial Court as well as learned Appellate Court have committed a grave error in not appreciating evidence in proper perspective. According to him, the prosecution tried to rely upon the testimonies of three eye witnesses, out of which PW-3 and PW-7 who are the only independent witnesses, have not supported the case of the prosecution. He further submits that, since PW-4/Kalyabai is wife of informant and being interesting witness, the conviction imposed upon the applicants on the basis of of her sole testimony, is contrary to law, and therefore, is not sustainable. He further submits that the applicants and the informant are the neighbours. He then submits that, subsequent to the passing of the impugned judgment and orders, no complaints have been reported against the applicants. He further submits that the applicants have suffered lot of agony since date of incident i.e. from the year 2010, and therefore, prays that the applicants may be acquitted by allowing this criminal revision application.

5. Per contra, learned APP Ms Gunjal vehemently opposes this criminal revision application. She submits that the learned Trial Court as well as the learned Appellate Court have properly appreciated the evidence brought on record and rightly convicted the applicants

and no interference is required by this Court. She submits that the testimony of informant and his wife is duly corroborated with the Doctor on the point of injury sustained by informant. She, therefore, prays for dismissal of the present criminal revision application.

6. After considering the submissions advanced by the respective sides, I have gone through the record available with the Court as well as the impugned judgments and order of the subordinate Courts It is found that the learned Judicial Magistrate First Class, after appreciating the evidence brought by the prosecution before him, has convicted the applicants for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code and sentenced them as aforesaid. Thereafter, applicants preferred appeal before the learned Additional Sessions Judge bearing Criminal Appeal No.02/2017. Learned Additional Sessions Judge, after hearing the learned Advocates for the parties and going through the evidence, dismissed the appeal. After perusal of both the impugned judgments and order, it is found that there is concurrent finding against the applicants and the learned Trial Court as well as the learned Appellate Court have committed no error in law, thereby passing the impugned judgment and orders.

7. The revisional jurisdiction of this Court under Section 397 of the Code of Criminal Procedure regarding exercising powers is highly limited. The Hon'ble Apex Court, as well as this Court, in numerous judgments have observed that the power under Section 397 of the Code of Criminal Procedure is to be exercised to prevent a miscarriage of justice. After going through the impugned judgment and orders, as well as evidence adduced by the prosecution witnesses, it is found that the impugned judgment and orders are correct and require no interference of this Court. Hence, the instant criminal revision application, being devoid of merits, deserves to be dismissed and the same is dismissed accordingly.

8. The order of conviction passed against the applicants is hereby confirmed. However, the sentence of substantive imprisonment is set aside and substituted with a fine of Rs.50,000/-. The applicants are directed to deposit the said fine amount before the Registry of this Court, within a period of four weeks. After depositing the said amount, same be paid to the informant, namely, Laxman Malhari Mudewad, as per the provisions of Section 357(3) of the Code of Criminal Procedure.

9. Criminal Revision Application is disposed of in above terms.

[SUSHIL M. GHODESWAR, J.]

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