IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL REVISION APPLICATION NO. 342 OF 2019

RAMESH ABHIMAN PATIL
VERSUS
THE STATE OF MAHARASHTRA
…..
Mr Mohit S. Shah, Advocate for Applicant
Mr C. V. Bhadane, APP for Respondent/State
…..

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 01st OCTOBER, 2026

P. C. :

1. The applicant is challenging the judgment and order dated 19/11/2019, passed by the learned Additional Sessions Judge-3, Dhule in Criminal Appeal No.86/2013, whereby the appeal came to be dismissed, thereby maintaining conviction order dated 04/09/2013, passed by the learned Judicial Magistrate First Class (JMFC), Court No.7, Dhule in R.C.C. No.216/2011. Vide the said impugned judgment and order, the learned JMFC, Dhule convicted the applicant for the offence punishable under Section 430 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for one year and to pay fine of Rs.5,000/-, in default to pay fine, to suffer simple imprisonment for one month.

2. Heard learned Advocate for the applicant and learned APP for respondent/State.

3. Learned Advocate for the applicant submits that the learned JMFC as well as learned Additional Sessions Judge have erred in convicting the applicant. According to him, the prosecution has failed to prove the ingredients of Section 430 of the IPC for which the applicant has been convicted. He then submits that the applicant had not opened the valve of the main water pipeline of the Dhule Municipal Corporation, thereby causing loss of water to the Corporation. According to him, PW-1 has not supported the case of the prosecution by admitting in the cross-examination that he has not seen the applicant while removing the said valve of the pipeline. He further submits that there is delay of 13 days in registering crime against the applicant and the prosecution has not explained the said delay. According to him, there is no independent witness to show the ownership of the land of the accused. He then submits that the charges under Section 430 of the IPC are at all not proved by the prosecution against the applicant and thus, the learned Trial Court as well as the Appellate Court committed a grave error in convicting the applicant. He, therefore prays for allowing the instant criminal revision application.

4. Per contra, learned APP for the respondent/State strongly opposes the instant criminal revision application. He submits that the prosecution has fully established the guilt of the applicant and the learned Trial Court as well as the learned Appellate Court have rendered the judgments considering the evidence in proper perspective. According to him, there is no illegality or perversity in the judgments of the learned Trial Court as well as the learned Appellant Court, and therefore, the same are required to be maintained.

5. After going through the judgments of the learned Trial Court as well as the learned Appellate Court and the evidence produced before this Court, it is clear that the applicant alongwith some persons was seen running after opening 200 mm wash out valve of water pipeline of municipal corporation and the said water was diverted and accumulated in a pond/reservoir and the same was taken to the agricultural field of the accused by pipeline with the help of submersible electric pump. The said water pipeline was carrying the drinking water for the residents of the Dhule City and was diverted towards a reservoir constructed in agricultural field. The prosecution also proved seizure of certain incriminating material. In that view of the matter, the prosecution has fully established the guilt of the

applicant before the Court for the offence punishable under Section 430 of the IPC.

6. Being aggrieved by the judgment and order of the learned Trial Court, thereby convicting the applicant for the offence punishable under Section 430 of the IPC, the applicant had also approached the learned Sessions Court by filing criminal appeal. However, even the learned Sessions Court, by relying upon the evidence brought by the prosecution before it, dismissed the said appeal, thereby confirming the judgment and order of the learned JMFC. Thus, there are concurrent findings against the applicant. During the course of the hearing, no illegality in the judgments of both the Courts below was pointed out to this Court. This Court has the jurisdiction to decide a revision application under Section 397 of the Code of Criminal Procedure. In numerous judgments, the Hon'ble Supreme Court has observed that the scope of revisional jurisdiction is limited and it should only be exercised to prevent a miscarriage of justice. After going through the evidence and the impugned judgments of the learned Trial Court and the learned Appellate Court, I found that there is no mistake or illegality in those judgments.

7. In view of above, the instant revision application is dismissed. The conviction of the applicant is maintained. However,

instead of sentencing him to a term of imprisonment, the applicant is directed to pay compensation of Rs.5,000/- to the complainant/Corporation within a period of four weeks.

[SUSHIL M. GHODESWAR, J.]

sjk