



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 42 OF 2024

1. Tushar s/o Madhukar Darkunde
Age: 20 years, Occu.: Education,
2. Nita Madhukar Darkunde
Age: 45 years, Occu.: Agril. & Household,
3. Surekha Dattatraya Darkunde
Age: 38 years, Occu.: Agril. & Household,
4. Sangita Sudam Darkunde
Age: 40 years, Occu.: Agril. & Household,

All R/o. Bahirwadi, Post – Jeur,
Tal. And Dist. Ahmednagar.

..Applicants

Versus

1. The State of Maharashtra
Through Police Station Officer,
M.I.D.C., Police Station,
Tq. Ahmednagar, Dist. Ahmednagar.
2. Mahadeo s/o Haribhau Darkunde
Age; 56 yrs., Occu.: Agril.
R/o. Sasewadi, Post – Jeur,
Tal. & Dist. Ahmednagar.

..Respondents

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Advocate for Applicant : Mr.Rajendra Sudam Kasar

Advocate for Respondent no.1 : Mr.B.V.Virdhe

Advocate for Respondent no.2 : Mr.Manoj Ramdas Khutwad

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 FEBRUARY, 2026

PRONOUNCED ON : 25 FEBRUARY, 2026

ORDER :

1. Aggrieved by rejection of discharge application at Exhibit 3 in Sessions Case No.78 of 2022, dated 04-03-2023, passed by learned District Judge-7 and Additional Sessions Judge, Ahmednagar, present revision application has been pressed into service.
2. Learned counsel for revision petitioners would point out that present revision petitioners are arraigned as original accused nos.4, 5, 6 and 7. That, revision petitioner nos.2, 3 and 4 are lady folks. That, they are falsely implicated. That, their specific roles are not crystallized. It is pointed out that, as regards to revision petitioner no.1 is concerned, there are general and vague allegations of giving kick and fists blows. That, in the entire chargesheet, there is no incriminating material and therefore, prayers for discharge are urged to be granted.
3. Learned counsel for respondent no.2/informant as well as learned APP have both opposed on the ground that there is sufficient material. That, revision petitioners are named. That, they are charged for serious offence of attempt to murder and causing grievous injuries and therefore, they justify the order of rejection of

discharge application by the trial court.

4. Before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of State of Bihar v/s Ramesh Singh (1977) 4 SCC 39; Union of India v. Prafulla Kumar Samal and Another (1979) 3 SCC 4, and a decade back in the cases of Sajjan Kumar v. Central Bureau of Investigation (2010) 9 SCC 368; Amit Kapoor v. Ramesh Chander and another (2012) 9 SCC 460; State of Tamil Nadu (By Inspector of

Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others. (2014) 11 SCC 709; *Asim Shariff v. National Investigation Agency* (2019) 7 SCC 148; and *Ram Prakash Chadha v. State of Uttar Pradesh* (2024) 10 SCC 651.

5. With above limited purpose, papers are put to scrutiny. Incident in question, which triggered lodgment of FIR, is of 21-04-2021. Substance of the report recorded while undergoing treatment is that, on 21-04-2021, while informant was watering the onion crop, he stated that, when his wife went to switch off the motor over the well, at that time, his sisters-in-law namely Nita Madhukar Darkunde, Surekha Dattatraya Darkunde and Sangita Sudam Darkunde laughed at him and when he questioned them, it is alleged that they started abusing him. This was followed by arrival of husbands of above ladies namely Madhukar Haribhau Darkunde, Dattatraya Haribhau Darkunde, Sudam Haribhau Darkunde respectively and one Tushar Madhukar Darkunde, and it is alleged that Madhukar assaulted informant by means of *Danda* on thigh, legs, arms, Dattatraya hit informant by iron rod on back and abdomen, whereas Sudam used iron axe for hitting informant on the head and tried to commit his murder. It is further reported that, after

informant fell down, present revision petitioner no.1 Tushar and all others gave kick and fists blows and abused him. When his wife came to his rescue, she was also manhandled. On above report, MIDC Police Station, Ahmednagar, seems to have registered Crime bearing No.252 of 2021 for offence under Sections 307, 324, 323, 504, 506 read with 34 of the Indian Penal Code, and under Sections 37(1)(3), 135 of Mumbai Police Act.

6. Chargesheet comprises of medical papers carrying history of assault. Statement of wife of informant is also recorded. Apparently, as regards to revision petitioners nos.2, 3 and 4 are concerned, there are mere allegations of initially laughing at informant and then hurling abuses and in turn their husbands allegedly came there and they allegedly put articles like *Danda*, iron rod, axe into use. After informant fell down, revision petitioner no.1 namely Tushar indulged in beating him though by kick and fists blows. However, as stated above, there are vague and general allegations against revision petitioner nos.2, 3 and 4. Therefore, they succeed except revision petitioner no.1. Accordingly, revision application deserves to be partly allowed. Hence, following order :

ORDER

- (I) Criminal Revision Application is partly allowed.
- (II) Application of revision petitioner no.1 i.e. Tushar Madhukar Darkunde is rejected.
- (III) Application of revision petitioner nos.2, 3 and 4 i.e.
(2) Nita Madhukar Darkunde, (3) Surekha Dattatraya Darkunde and (4) Sangita Sudam Darkunde is allowed in terms of prayer clause [B].

(ABHAY S. WAGHWASE)
JUDGE