



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 288 OF 2024

1. Arjun Namdeo Kokate,
Age : 54 years, Occu. : Agril.,
R/o. Deswandi, Tq. Rahuri,
Dist. Ahmednagar.

2. Ramesh Suresh Kokate,
Age : 51 years, Occu. : Agril.,
R/o. Deswandi, Tq. Rahuri,
Dist. Ahmednagar.

... Applicants
(Orig. Accused Nos.1 & 7)

Versus

The State of Maharashtra,
Through the Police Inspector,
Rahuri Police Station,
Tq. Rahuri, Dist. Ahmednagar.

... Respondent.

.....
Mr. Rahul R. Karpe, Advocate for Revision Applicants.
Mr. B. V. Virdhe, APP for Respondent - State.
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 26 FEBRUARY 2026
PRONOUNCED ON : 27 FEBRUARY 2026

ORDER :

1. Both revision petitioners, who are arraigned as accused Nos.1 and 7, in Crime No. 776/2020 registered at Rahuri Police Station, Dist. Ahmednagar for offence punishable under sections 143,147, 148, 149, 326, 324, 323, 504, 188 and 307 of Indian Penal Code, prays for discharge by invoking section 227 of Cr.P.C.

2. Learned counsel for revision petitioners pointed out that, there is false implication due to civil dispute. That, present petitioners are shown as accused nos.1 and 7. Against them, there are no specific allegations, and general and vague allegations levelled against them. That, there is no other independent evidence except evidence of interested witness. Even said independent witness does not specify the role played by present applicants. He also pointed out that, alleged treatment was taken at private hospital and not Government hospital. That, with such quality of evidence, it is his submission that, it is unreasonable to make accused face trial and he criticizes the judgment of trial court on the ground that it was perverse.

3. Learned APP strongly opposed by pointing out that there are serious allegations of commissions of offence like attempt to murder and causing grievous injury. There is application of section 149 of IPC, and as such, it is his submission that names of present revision petitioners are also stated by informant as well as eye witnesses, and there being sufficient material to make accused face trial, he justifies the order of rejection and urged to dismiss the the Revision.

4. Perused the papers. Complaint seems to be on behalf of

one Dattatray Bhausaheb Shirsath and its substance is that, there is land dispute between him, his brother on one hand and accused nos 1 to 7, on the other. That, Resultantly measurement was decided to be carried out in the village meeting. That time, it is alleged that, accused persons, whose names are spelt out in the FIR, initially came and hurled abuses and beat both brothers by kicks and fist blows. There are allegations that, accused no.3 Sham hit iron rod on his hand, whereas rest of them used wooden danda to assault him and his brother. As regards to accused no.4 is concerned, there are allegation of use of assault by means of koyta, after which all the accused fled the spot. On above report, crime seems to have been registered at Rahuri Police Station for offence punishable under sections 143, 147, 148, 149, 326, 324, 323, 504, 188 and 307 of IPC. Charge sheet comprises of medical papers issued by Vighnaharta Superspeciality Hospital showing fracture injuries to Suresh and Dattatray.

5. There are statements of several witnesses and they have all narrated the occurrence what they saw. Even supplementary statements are recorded.

6. Therefore, at this stage, with such documentary evidence on record, it cannot be said that there is no material. FIR carries

names of applicants and the roles of some of them are distinctly specified. FIR is not encyclopedia, and therefore, it is not open to put-forth a case that, there are vague, general and non specific allegations. There is charge of section 149 of IPC and almost seven persons are named for arriving at complainant's door, initially abusing and then indulging in assault. On studying the charge sheet, this court is convinced that there is sufficient material available to frame the charges as well as proceed with the trial. Hence, the following order is passed :

ORDER

The Criminal Revision Application is dismissed.

(ABHAY S. WAGHWASE, J.)