



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 120 OF 2025

1. Renuka W/o. Ramesh Munde,  
Age : 40 years, Occu. : Household,  
R/o. Patalganga, Tq. Kandhar,  
Dist. Nanded.
2. Shankar S/o. Balaji Kendre,  
Age : 30 years, Occu. : Advocate,  
R/o. Nagdarwadi, Tq. Loha,  
Dist. Nanded.
3. Madhav S/o. Balaji Kendre,  
Age : 38 years, Occu. : Agriculture,  
R/o. Nagdarwadi, Tq. Loha,  
Dist. Nanded.

... Applicants

Versus

The State of Maharashtra,  
Through Police Inspector,  
Police Station, Malakoli,  
Tq. Loha, Dist. Nanded.

... Respondent.

.....  
Mr. Sachin S. Panale, Advocate for Applicants/Petitioners.  
Mr. S. G. Sangle, APP for Respondent - State.

.....

**CORAM : ABHAY S. WAGHWASE, J.**  
**RESERVED ON : 26 FEBRUARY 2026**  
**PRONOUNCED ON : 05 MARCH 2026**

**ORDER :**

1. Dissatisfied by the order passed by learned Additional Sessions Judge, Kandhar on Application Exhibit 2, which was an application for discharge under section 227 of Cr.P.C. from charges

under sections 307, 452, 323, read with section 34 of Indian Penal Code, the original accused have come up by way of this revision.

2. Brief facts, which lead to registration of crime are that, on statement of one Kushabai Mundhe, above crime was registered on account of allegations that, on 14.05.2021, while informant was in the house, her daughter-in-law Sau Renuka Mundhe, her brothers namely Madhav and Shankar came, initially caught her by hair, made her fall down and while Madhav and Shankar held her, her daughter-in-law Renuka administered some poison mixed with water in her mouth. When she raised shouts, Datta Mundhe, Dnyanoba Mundhe and others rushed and shifted her to the hospital. While undergoing treatment at hospital, she gave above statement, alleging attempt to commit her murder by her daughter-in-law and her two brothers.

3. Learned counsel for revision petitioner pointed out that apparently it is a false implication. According to him, at the threshold there is no direct evidence except false or concocted and afterthought statement of informant mother-in-law against daughter-in-law with whom there were strained relations. He pointed out that, the alleged occurrence of administering poison on morning of 14.05.2021, but the above statement was given after three days i.e., on 17.05.2021.

4. He further pointed out that, here, very alleged bottle containing poison was not seized till filing of charge sheet. He emphasized that, even CA report is negative. That, nothing was deducted in the stomach wash also, and therefore, it is his submission that, prosecution's own evidence belies story of poisoning. He pointed out that, previously also informant had lodged similar complaint, and as such, she is habituated to leveling false allegations.

5. He pointed to the statements of witnesses under section 161 of Cr.P.C. and would submit that all are hearsay statements. That, there is no incriminating material in support of the accusations, and therefore, making the accused face ordeal of trial would inflict injustice on them. That, even it was a fit case for discharge, learned trial Court dismissed the application.

6. In answer to above, learned APP would support the order of trial Court rejecting the application. According to him, there is sufficient material to frame charge as well make accused to face trial. There are serious allegations of attempt to commit murder by forcible administering poison. As to whether reports of CA are positive or negative, this could be gone into at the stage of trial. For all above reasons, he prays to dismiss the Revision Application.

7. Heard both sides to their satisfaction. Perused the

charge-sheet. Before adverting 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*.

8. Therefore, at this stage, though in-depth analysis of documentary evidence is not to be done, this court is permitted to sift through the charge-sheet with limited purpose to ascertain whether there is prima facie material to make accused face trial. With this limited purpose, charge-sheet is visited.

9. Admittedly, crime bearing no.083 of 2021 is registered on the statement of one Kushabai Balaji Mundhe, aged 65 years, while she was undergoing treatment in Government Hospital, Vishnupuri, Nanded, in which, she reported that, on 14.05.2021 around 11:00 a.m., suddenly her daughter-in-law Renuka Ramesh Mundhe and her two brothers namely Madhav Kendre and Shankar Kendre entered the house and in the backdrop of previous quarrel, she was beaten, caught hold by hair, made to fall on the floor and after Madhav and Shankar caught hold of her, she claims that, her daughter-in-law Renuka administered poisonous medicine from the bottle held by her, and therefore, she raised shouts inviting attention of Datta Mundhe, Dnyanoba Mundhe and Govind Kendre, who rushed and took her to the hospital for treatment at Kandhar and after preliminary treatment at Primary Health Center at Kandhar, she was shifted to Nanded, where she named her daughter-in-law and her two brothers for attempting to commit murder and assaulting her.

On the strength of above statement, above crime seems to have been registered.

10. As pointed out, occurrence of 11.00 a.m. of 14.05.2021 is reported on 17.05.2021. It may so happen that, she may not be that day in a position to give statement, and therefore, delay in reporting cannot be given undue importance. However, submissions made before this Court that Investigating machinery failed to seize very poisonous water, has not been refuted by learned APP. What is shown to be seized are clothes on the person of informant. Forensic Science Laboratory (FSL) report dated 03.02.2022 is negative. On court query, as to whether stomach wash was gathered, preserved and further put to analysis, learned counsel pointed out that, there is mere reference in the discharge card about collection of gastric lavage and according to him, cholinesterase report are within the reference range. He clarified that, the above test determines if a person has been exposed to chemicals such as pesticides. Therefore, according to him, there is no stomach wash collection report and above test report being within normal range, it cannot be said to be the case of homicidal poisoning.

11. Perused the discharge summary. It is clearly reflected therein about history of homicidal poisoning on 14.05.2021. History

is also noted that there was nausea and abdominal discomfort. Medicines administered also goes to show that treatment was in the line of history of poisoning. Date of discharge is 17.05.2021. therefore, there is admission for three days as indoor patient.

12. Further, there are statements of Govind Kendre, Dnyanoba Mundhe and Datta Mundhe, who had allegedly rushed to the rescue of complainant. They all unanimously state about rushing to the house of Balaji Mundhe. They specifically state that Kushabai was lying on the floor and strong smell was emanating from her person and to these persons the lady informed about her daughter-in-law and brother entering house, catching hold of her, making her fall down, beating her and after both brother-in-law catching held of her, daughter-in-law pouring medicine from the bottle. There is also statement of husband of revision petitioner Renuka, who claims to have learnt that his wife and her two brothers administered poison to his mother and she was taken to the hospital. He claims that, he also learnt from his mother in the hospital about above act. Therefore, even there is statement of husband of revision petitioner naming her and her brothers.

13. As regards the non availability or failure to seize the alleged bottle and its consequences, it is a matter to be dealt with at

trial, and the prosecution will meet its fate at trial. At this stage, it is to be seen whether there is sufficient material. Taking into account the above medical papers, statement of independent witnesses, it cannot be said that, there is no material against the applicants to face trial. Hence, the following order is passed : -

**ORDER**

The Criminal Revision Application is dismissed.

**(ABHAY S. WAGHWASE, J.)**