

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 458 OF 2025

Padmakar S/o Krinhnarao Nandekar ... Applicant

versus

The State Of Maharashtra ... Respondent

Mr. Karan Bhosale a/w. Mr. Arvind Tiwari and Mr. Harsh Sawant,
Advocate for Applicant.

Smt. Ranjana D. Humane, APP for the Respondent-State.

Ms. Mallika Ingale, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2026.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondent No.2.
2. Learned counsel for the applicant submits that when applicant had filed discharge application before the Trial Court, he was not having medical report of the victim. Recently, the Investigating Officer has received the forensic report. The forensic report is produced for the first time after seven years. The applicant is heavily relying on medical report and forensic document and he may be permitted to withdraw this application with liberty to file fresh discharge application before the Trial Court.
3. Learned APP for the State and learned counsel for respondent

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No.2 strongly objected for the same on the ground that medical report was already annexed with the charge-sheet.

4. I have heard all learned counsel. In paragraph No.7 of the impugned order, the Trial Court has observed that the applicant has not received copy of medical report. It shows that copy of medical report was not served to the applicant, and applicant is heavily relying on the said report and forensic report which is produced after seven years after receipt of it.

5. In view of above, I pass following order:

ORDER

- (i) The impugned order dated 12.01.2024 passed by City Civil and Sessions Court, Greater Bombay in Sessions Case No. 1683 of 2019 is quashed and set aside.
- (ii) The applicant is permitted to file fresh discharge application before the Trial Court.
- (iii) The Trial Court shall decide the said application on its own merit.
- (iv) The applicant shall file application as early as possible within one week after receipt of this order.

(SHIVKUMAR DIGE, J.)