



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO. 303 OF 2026

IN

CRIMINAL APPEAL (ST) NO. 4829 OF 2025

(The State of Maharashtra, Thr. the Police Station Officer, Police
Station, Chandur Railway, District Amravati.

Vs.

Bandu Manohar Chaudhary & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.S. Doifode, APP for the Applicant/Appellant-State.

Mr. A.R. Ingole, Advocate for the Non-applicants/Respondents.

CORAM: URMILA JOSHI-PHALKE AND
NIVEDITA P. MEHTA, JJ.

DATED : 05th MAY, 2026

1. By this Application, the State is seeking leave to prefer an Appeal.

2. Heard learned APP who submitted that, the Complainant Akshay Mandalwar had lodged a report with Police Station Chandur Railway alleging that the accused Bandu Chaudhary and his brothers were residing near to his house and grazing cattle. He was also residing alongwith his parents and grazing cattle. On 10.10.2018 at about 06.30 p.m. while he was proceeding on Marwadi Line, Chandur Railway, at that time he saw his father was going towards home. At that relevant point of time accused Bandu and other

accused made allegations on his father regarding black magic and beat him by means of stick and fist blows, due to which, his father has sustained bleeding injury and despite he made an attempt to intervene, the accused persons have assaulted his father and thereafter fled away from the spot. He submitted that, despite there are multiple injuries on the person of injured, the Trial Court has convicted him of the offence punishable under Section 324 of IPC instead of holding him guilty for the offence punishable under Section 307 of IPC.

3. He submitted that, the evidence of Medical witness as well as the evidence of eyewitness i.e. the Complainant was not considered by the Trial Court. He submitted that, the weapons are also recovered at the instance of the accused on the basis of their memorandum statements. The injuries sustained by the injured and the evidence of the injured corroborated by the evidence of eyewitness i.e. the Complainant which categorically states that the offence would come under Section 307 of IPC, which was not considered by the Trial Court. The medical certificate below Exh. 52 shows that the injuries sustained due to said conduct. Therefore, sharp weapon was also used by the accused persons in assaulting the injured. This aspect was also not considered. Thus, the prosecution has many arguable points in Appeal, and therefore, leave be granted to him.

4. Learned Counsel for the Non-applicants /Respondents, strongly opposed for the same and submitted that, considering that there was a sudden fight and sudden

quarrel, the injuries are sustained by the injured, and therefore, there was no intention premeditation and hence considering the nature of injuries, the Trial Court come to the conclusion that the offence will be covered under Section 324 of IPC, and therefore, no grounds are made out to grant leave to the State. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the impugned judgment as well as the evidence on record which shows that the injured has sustained the injury due to the cutter which is a sharp weapon and the injured has also sustained the bleeding injury and thereafter he was fell down on the ground. This incident was witnessed by the Complainant who is the eyewitness of this incident. The evidence on record further shows that, the injured was also assaulted by the other accused by kick and fist blows. The evidence further shows that, some of the accused hold the injured and thereafter accused Bandu assaulted him by means of sharp object like vastara. Thus, the vital portion of the body was considered for giving a blow. Thus, the intention of the accused persons can be inferred from the same but the Trial Court has not given much consideration to this aspect and wrongly held the accused persons guilty of the offence punishable under Section 324 of IPC. In view of that, the learned APP has made out a ground to grant leave to prefer an Appeal.

6. The Application is **allowed**.

7. Leave is granted. Appeal be registered.
8. On registration of the Appeal, learned Counsel waives notice for all the Respondents.
9. Call R & P.
10. Appeal be listed after receipt of the R & P.

(NIVEDITA P. MEHTA, J.)

(URMILA JOSHI-PHALKE, J.)