

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1491 OF 2015

SMT. PRATIBHA BHAYYASAHEB PATIL
VERSUS
THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioner : Ms. Kazi Sabahat T.
APP for Respondents: Mr. S.P. Deshmukh

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd DECEMBER, 2015

P.C. :-

1. Ms. Kazi, learned counsel for the petitioner submits that the respondents are not properly investigating the matter and have not properly added the charges. The injured has sustained fracture injury so also the head injury. Instead of adding of offence punishable under Section 326 of I.P.C. they have only added charge for the offence publishable under Section 323 of I.P.C.

2. Learned Magistrate has not yet framed the charges. It is for the Magistrate to frame the charge after considering the charge sheet. Even the complainant can assist the Court in framing relevant charges.

3. Considering the above, as the parties have right to assist the Magistrate in framing the charges, and the charges are not yet framed, the petition is disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/