

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL WRIT PETITION NO. 552 OF 2016

Kamal @ Kusum w/o Gavram
Kanase

...Petitioner

VERSUS

The State of Maharashtra & ors. ...Respondents

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Shri B.A.Husale, advocate for petitioner
Shri N.T.Bhagat, A.P.P. for respondent no.1
Shri H.S.Pawar, advocate for respondent nos. 2 to 11

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CORAM : N.W.SAMBRE, J.

DATED : 13th October, 2016

PER COURT :-

Having heard the learned counsel for the respective parties, it is worth to observe that pursuant to the submissions made by the learned counsel for the accused, the learned Judicial Magistrate, First Class, Rahata is at liberty to alter the charge to that of punishable under Section 326-A of the Indian Penal Code, if sufficient material is brought before it.

2. The learned Magistrate shall consider the prayer for alteration of charge at the appropriate stage without being influenced by the observations made by the learned Sessions Judge in the order.

3. With the above observations, present Writ Petition stands disposed of.

(N.W.SAMBRE, J.)

dbm/crwp552.16