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

CRIMINAL WRIT PETITION NO. 698 OF 2015

Anil s/o Babulal Katariya

..PETITIONER

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr N. B. Narwade, Advocate for petitioner;

Ms R. P. Gaur, Addl. Public Prosecutor for respondent Nos. 1 and 3

CORAM : N.W. SAMBRE, J.

DATE : 2nd May, 2016

ORAL ORDER :

The petitioner has questioned the order dated 20th April, 2015, passed by Judicial Magistrate First Class, Ahmednagar, in R.T.C. No.17 of 2008, framing charge against respondent no.2 – accused, for an offence punishable under section 465 of the Indian Penal Code.

2. It is brought to my notice by Mr Narwade, learned Counsel appearing on behalf of the petitioner that the Court has permitted the Investigating Officer to carry out further investigation in the matter and as such, according to him, the order of framing of charge would frustrate the same.

(2)

3. *Prima facie*, I am of the opinion that section 216 of the Code of Criminal Procedure confers power on the Court to alter or add any charge at any time before judgment is pronounced.

4. In view of the said provision, in my opinion, it will be appropriate to dispose of the present petition with liberty to the petitioner to canvass his grievance at appropriate stage, if according to him, the charge is not properly framed.

5. With above observations, petition stands disposed of.

(N.W. SAMBRE, J.)

amj