

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1434 OF 2015

Sushma Rajesh Tribhuvan	...	Petitioner
vs.		
The State of Maharashtra & Anr.	...	Respondents

Satyavrat Joshi, Advocate for the petitioner.
Ms. A.A. Mane, APP, for the State.
Ms. D.S. Zadate, PSI, Sanghvi Police Station, Pune present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 18th July, 2016.

P.C.

1. The petitioner herein had filed an application under Section 226 of Cr.P.C. seeking a prayer that the accused be heard at the stage of framing of charge. The application was filed below Exhibit 1.

2. The learned Addl. Sessions Judge, Pune, vide order dated 24.03.2015 has divided the accused into two groups. The husband and the in-laws are being prosecuted for the offence punishable under Section 502 of the IPC, whereas the learned Sessions Judge has

directed that the present petitioner be prosecuted for the offence punishable under Sections 498A, 304-B read with Section 34 of the IPC. At the stage of framing of charge, it is incumbent upon the learned Sessions Judge to specifically apprise the accused of the charges to be framed against them.

3. The learned counsel for the petitioner fairly submits that in the interregnum, charges have been framed against the petitioner under Sections 498A, 304-B read with Section 34 of the IPC. The petitioner happens to be the married sister-in-law of the deceased.

4. In the circumstances, the learned counsel for the petitioner seeks liberty to withdraw the Petition with further liberty to challenge the very framing of charge. In the fitness of things, the prayer in the present Petition has become infructuous. Petition deserves to be disposed of with liberty to the petitioner to file appropriate proceedings challenging the very framing of charge against the petitioner. Petition stands disposed of. All contentions in the present Petition are kept open.

(SMT. SADHANA S.JADHAV, J.)