

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4691 OF 2015

Mr. Vallabhdas Lalchand Bhatia ... Petitioner

V/s.

Dilip Girdharidas Bhatia & anr. ... Respondents

Mr. A.H. Ponda i/b. Ashish Raghuvarshi for the petitioner.

Mrs. G.P. Mulekar, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

19th August, 2016.

P.C.

Learned Counsel appearing for the petitioner submits that the petitioner is a first informant of crime registered as FIR No. 336/2011 with Kandivali Police station. Learned Counsel further submits that a chargesheet came to be filed against accused persons for the offences punishable under Sections 323, 324, 325 and 504 IPC. It is submitted that in view of the material placed before the Court in the shape of

chargesheet, the State ought to have filed chargesheet for the offences punishable under Section 307 IPC alongwith other offences.

2. The petitioner, therefore, would file an appropriate application before the trial Court for invoking charge for the offence punishable under Section 307 and other offences under IPC for which State filed the chargesheet. Learned Counsel has placed reliance on the Supreme Court judgment in the case of **Anant Prakash Sinha alias Anant Sinha v/s. State of Haryana & anr. {(2016) 6 Supreme Court Cases 105}** in support of their submission that the first informant/Complainant is also entitled to file such an application in case no such application is preferred by the State.

3. On instructions, learned Counsel seeks to withdraw this petition with liberty to file appropriate application before the trial Court as stated above.

4. We have heard learned APP. Without expressing any opinion, we observe that if first informant/Complainant files an application for invoking charge under Section 307 IPC or any other charge in respect of the subject crime then such an application be dealt with by the trial Court in

accordance with law and on its own merits. Leave is granted. With aforesaid observations, petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.