

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

909 CRIMINAL APPLICATION NO. 3330 OF 2017

RAMKRUSHAN SHANKARRAO WABALE

VERSUS

SARASWATIBAI SURESH DOLAS & ORS.

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Mr. S.S.Panale, Advocate for Applicant.

Mr. S.Y.Mahajan, A.P.P. for R – 12 - State.

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CORAM : V.L.ACHLIYA, J.

DATE : 22nd AUGUST, 2017

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ORDER :

1. The applicant i.e. complainant has filed application u/s 482 of Code of Criminal Procedure challenging the order dated 26/04/2017 passed by the learned Judicial Magistrate First Class, Jalna in R.C.C.No. 1075/2011 rejecting the application moved by the applicant/complainant to correct the charge sheet and add offence u/s 326 of the Indian Penal Code in the charge sheet filed by police.

2. On due consideration of the submissions

advanced, I am of the view that no case is made out to invoke the jurisdiction u/s 482 of Code of Criminal Procedure. The complainant is not entitled to make such application. The case is instituted on the basis of police report. The Court is expected to frame charge on the basis of the evidence placed before the Court in the form of charge sheet. It appears that on due consideration of the evidence on record, the Court has framed the charge. Section 216 of Code of Criminal procedure empowers the Court to alter or add to any charge any time before the judgment is delivered in the matter. Thus, during the course of proceeding and before the Judgment is delivered in the case, if the Court find it necessary, it may alter or add any charge. In this view, the order passed by the trial Court calls for no interference in exercise of inherent powers u/s 482 of Code of Criminal Procedure.

3. The application is rejected.

[V.L.ACHLIYA, J.]