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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2164 OF 2017

Akshay Ramesh Patil

.. Petitioner

Vs.

The Principal Secretary, Home
Department, Mantralaya, Mumbai and ors.

.. Respondents

Mr. D. P. Adsule for petitioner.

Mr. S. R. Shinde, APP for State.

CORAM: NARESH H. PATIL &
A. M. BADAR, JJ.

DECEMBER 12, 2017.

P.C.

1. The petitioner alleges that he was assaulted by the accused with a sword on vital part of the body i.e. head. He was fortunate to survive. On a complaint lodged by the petitioner, the prosecution registered FIR No. I-82 of 2017 for offence punishable under Section 324 read with Section 34 of the IPC.

2. It was submitted that there is a cross complaint in which the petitioner is alleged to have assaulted the complainant. The learned counsel appearing for the petitioner submits that looking to the nature of injury, the manner in which the assault was caused, the prosecution ought to have registered the FIR for offence punishable under Section 307 of the IPC.

3. The learned APP, on instructions from Mr. G. V. Tumbada, API, Khadakpada Police Station, Thane, who is present in the court, submits that a communication dated 11/12/2017 was addressed to the learned Magistrate, Kalyan requesting for adding charge for offence punishable under Section 307 of IPC. The learned APP further states that the Investigating Officer has added offence punishable under Section 307 of IPC in the Case Diary and Station Diary.

4. We direct the Investigating Officer to submit the final report within three weeks. The Commissioner of Police, Thane is directed to look into the matter as to why filing of final report was delayed.

5. In view of the above, petition stands disposed of.

6. The Registry to forward a copy of this order to the Commissioner of Police, Thane.

(A. M. BADAR, J.)

(NARESH H. PATIL,J.)