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

CRIMINAL APPLICATION NO.1022 OF 2015

Sandhya Anil Kusumbkar	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Satyavrat Joshi, for the Applicant.

Mr.Vinod Chate, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 12th JANUARY, 2018

P.C. :

1. Heard learned counsel for the parties
2. By this application, the applicant has impugned the order dated 20th August, 2013, passed by the learned Sessions Judge, Pune, below Exhibit – 7, by which the learned Judge was pleased to frame charge as against the applicant, for the alleged offences punishable under Section 307 of the Indian Penal Code and other sections.

3. Learned Counsel for the applicant very fairly submits that he has impugned the order dated 20th August, 2013 framing charge only to the extent, that the learned Judge has framed charge as against the applicant for the alleged offence punishable under Section 307 of the Indian Penal Code. He submitted that taking into consideration the facts of the case, the offence would not be one under Section 307, but would be a lesser offence. He further submitted that the applicant had fired from her licensed revolver initially on the ground and thereafter, at the complainant and hence Section 307 is not attracted.

4. Learned APP opposed the application and submitted that no interference was warranted in the impugned order framing charge under Section 307 of the Indian Penal Code.

5. Perused the papers. It appears that there was a dispute between the applicant's family and the complainant with regard to a flat. The complainant has set out in detail, the nature of dispute between him and the applicant's family. He has also stated that on the night of 23rd February, 2013 when he alongwith his wife and two sons went to the flat and

demanded possession of the flat from the co-accused – Ratikant Wadke and disclosed to him that he had got Rs.1,50,000/- as agreed, the present applicant who is the daughter of co-accused – Ratikant Wadke came there and stated that instead of Rs.1,50,000/-, now Rs.2,00,000/- should be paid and only then the flat would be vacated. It appears, that as a result of the same, a quarrel ensued between the parties and there was an exchange of words. In the said fight, according to the complainant, the present applicant took out her revolver and fired two rounds; the first round hit his wife on her thigh causing a bleeding injury and the second round hit him (complainant) below the knee causing a bleeding injury. It also appears that there are independent witnesses, whose statements were recorded on the next date of the incident, wherein, they have stated that three rounds were fired and out of the three rounds, the first round was fired by the applicant on the ground. The complainant has specifically stated that the applicant had fired at him and that the bullet hit his knee. The weapon used is a revolver. The learned Judge has rightly framed charge as against the applicant and others for the offence punishable under Sections 307 of the Indian Penal Code and other Sections. No infirmity can be found in the order framing charge warranting interference in writ jurisdiction.

6. Accordingly, the application is rejected.

7. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application and the learned Judge shall decide the case on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.