

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

WRIT PETITION NO.98 OF 2017

Rahul Vithal Ganekar

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Ajay Kumar Singh for the Petitioner.

Smt. S. D. Shinde, APP for the Respondent-State.

**CORAM : B. P. DHARMADHIKARI &
SMT ANUJA PRABHUDESSAI, JJ.
DATE : 13/02/2019.**

P.C.:

. Heard learned counsel for the petitioner and learned APP. Present petition is filed in January 2017 urging that investigating officer is avoiding to add offence under section 307 while submitting final report.

2. Our attention is invited to the injury certificate filed with charge-sheet to urge that it shows serious injuries on vital part of body caused by dangerous weapon.

3. Learned APP is opposing the contention. She submits that the injury certificate itself is issued in December 2012 and the incident is also dated 17/12/2012. She adds that in this situation after more than 6 years, this Court should not intervene in extra ordinary jurisdiction and trial Court can while recording evidence or framing charge take suitable view of the matter.

4. Learned counsel for the petitioner states that the trial is

already delayed and if charge is not added at threshold it may result into complications or further delay. He pointed out that the petitioner cannot as of right be heard at the stage of framing of charge by trial Court.

5. We have perused the papers. We find it appropriate to observe that trial court has to consider the injury certificate and other papers properly while framing charge in the matter. If it finds need to invoke section 307 of IPC it can invoke the same.

6. With these observations we dispose of the present petition.

(SMT ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)