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

CRIMINAL WRIT PETITION NO.564 OF 2019

Yadnesh Waman Mhatre	...	Petitioner.
V/s.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep S. Patil, for the Petitioner.
Mr. A.R. Patil, AGP for respondent State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 8th FEBRUARY, 2019.

P.C. :

- 1] Not on board.
- 2] Upon mentioning, taken on today's board.
- 3] With the consent of learned counsel for both the parties, the petition is heard at the stage of admission itself.
- 4] This petition is directed against the order dated 11.1.2019, passed by the Special Judge, Raigad-Alibag, thereby allowing the application of the prosecution to alter charge at the stage of argument.
- 5] The earlier charge was under Section 11 punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012, which is to be altered to Section 7 punishable under Section 8 and Section 9(m) punishable under Section 10 of the Protection of

Children from Sexual Offences Act, 2012. As the child is below the age of 12 years, the offence of aggravated sexual assault under Section 9(m) punishable 10 of the Protection of Children from Sexual Offences, Act, 2012 is required to be added and therefore alteration of charge allowed by the learned Judge.

6] Considered the submissions of learned counsel for both parties. Perused the order. It cannot be faulted with. However, the learned trial Judge to frame questions on the point of alteration of charge and evidence about the same while recording statement under Section 313 of the Code of Criminal Procedure.

7] Writ Petition stands dismissed.

[MRS. MRIDULA BHATKAR, J.]