

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

959 CRIMINAL WRIT PETITION NO. 335 OF 2020

SHRIKISHAN S/O. BABURAO BHISE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. T. V. Jamdar  
APP for Respondent-State : Mrs. P. V. Diggikar  
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**CORAM : V. K. JADHAV AND  
SANDIPKUMAR. C. MORE, JJ.  
DATED : 25<sup>th</sup> MARCH, 2022**

**PER COURT:-**

1. Learned APP, on instructions in writing, submits that on the basis of the compliant lodged by the present petitioner, the concerned Investigating Officer has registered crime no. 66 of 2022 for the offence punishable under Sections 143, 147, 148, 149, 324, 323, 504 and 506 of IPC against the accused persons. Learned APP has placed before us the report and also a copy of the FIR. Learned APP has thus rightly submitted that nothing survives in this criminal writ petition and the purpose of filing of this criminal writ petition is over.

2. Learned counsel for the petitioner also accepts the same. However, learned counsel submits that the charge under Section 307 of IPC is not leveled against the accused persons.

3. We have gone through the copy of the complaint and allegations made therein ( Exhibit “D” page 34 of the petition). It has been alleged in the complaint that one of the accused persons has given a blow of axe on the hand of the petitioner. In view of the same, the aforesaid crime no. 66 of 2022 is rightly registered under Section 324 of IPC. However, in the event if it is reveled during the course of investigation that the charge under Section 307 is attracted, it is open for the Investigating Officer to file charge-sheet by adding charge under Section 307 of IPC. It is also open for the petitioner to point out to the Magistrate at the time of framing of charge as to whether Section 307 is attracted or not.

4. In view of the same, nothing survives for further consideration in this criminal writ petition. The criminal writ petition is accordingly disposed off.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

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