

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

951 CRIMINAL WRIT PETITION NO.481 OF 2022

JYOTI AKSHAY CHORMALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Amar Vinayakrao Lavte
APP for Respondent No.1: Mr. S. S. Dande
...

**CORAM : V.M. DESHPANDE
& SANDIPKUMAR C. MORE, JJ.
DATE : 19TH APRIL, 2022.**

PER COURT:

1] Heard Mr. Amar Lavte, Advocate. The learned Counsel submits that the petitioner who is the complainant is praying for directions to change the investigating officer who is investigating the crime No.32/2021 registered with Police Station Majalgaon, Dist. Beed for the reason that the I.O. has not registered offence punishable under Section 307 of IPC.

2] We are afraid, this prayer can be entertained. As on today, it is an admitted position that the I.O. has not filed the charge sheet. How to conduct the investigation is in complete realm of the I.O. and Court cannot control the investigation. If, during the course of investigation, the I.O. notices that the ingredients of the offence punishable under Section 307 are made out, surely, the I.O. will add offence punishable under section 307 of IPC. Further, if during the course of trial, the charge sheet is not filed under Section 307 before the court, and the court finds that the ingredients of offence under section 307 are made out, the learned Judge can always add the offence punishable under

Section 307. Therefore, merely because it is the wish of the petitioner that the I.O. should be changed, that can not be the reason to entertain the writ petition.

3] Writ petition is dismissed.

[SANDIPKUKAR C. MORE]
JUDGE

[V.M. DESHPANDE]
JUDGE.

grt/-