

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2316 OF 2023

IN

CRIMINAL APPLICATION/1490/2022

AMABADAS SUNIL KALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Applicants : Mr. Tarde Vivek V.

APP for the Respondent No. 1 : Mr. S.D. Ghayal

Advocate for Respondent No. 2 : Mr. P.A. Bharat

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**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 11.08.2023

PER COURT :

The applicants are the original accused who had filed Criminal Application No. 1490/2022 under Section 482 of the Code of Criminal Procedure for quashment of Crime No. 754/2018 registered with Pathardi Police Station District Ahmednagar and the corresponding Sessions Case No. 159/2021 pending on the file of the Additional Sessions Judge, Ahmednagar.

2. By the order dated 28.04.2023 we had allowed the application, quashed and set aside the sessions case, however, mentioning that the crime was registered under Section 494, 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. In fact, these sections were mentioned strictly in accordance with the description of the crime in the original application preferred by the applicants.

4. It appears that having noticed that in fact that crime also includes and even the charge-sheet has been forwarded for the offence punishable under Section 498A of the Indian Penal Code, this application has been moved for allowing to add that section in the original application and to modify our order.

5. The learned A.P.P as also the learned advocate for the respondent No. 2, who is the original complainant have given no objection for such modification.

6. In the light of the above, when it is an apparent error, the request is innocuous and deserves to be accepted. We allow the application. The original application is allowed to be corrected so as to insert Section 498A of the Indian Penal Code in the array of the provisions while describing the offence. The amendment to be carried out within a week. On such amendment being carried out our order dated 28.04.2023 shall also be corrected so as to include section 498A in paragraph No. 2 and 6 and a fresh order be uploaded.

7. The Criminal Application is disposed of.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

mkd/-