

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

976 CRIMINAL WRIT PETITION NO.1137 OF 2022

**TUKARAM GOPAL MEKHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Santosh S. Dambe
APP for Respondents: Mr. S.P. Deshmukh.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 29TH SEPTEMBER, 2023

ORDER :-

The learned counsel for the applicant, after arguing the matter for some time, submits that probably, charge under Section 325 can be framed in the facts of the case but application was moved by prosecution to frame charge under Section 326 of IPC. He submits that even the concerned medical officer may throw light on the nature of injuries suffered by victim, during the course of trial. At that stage, the court can re-consider the framing of appropriate charge. In that view of the matter, he submits that the applicant may be permitted to withdraw the writ petition, with liberty to move afresh before the trial court, after recording of evidence of the medical officer.

2. Writ petition is disposed of with liberty as prayed for.

**[S.G. CHAPALGAONKAR]
JUDGE**