

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1397 OF 2022

Vitthal S/o Prmeshwar Ade @ Adhe

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. Mohit Lalit, Advocate for the petitioner.

Mr. P. G. Borade, APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI &
R. M. JOSHI, JJ.**

DATE : 16th JANUARY, 2023.

PER COURT :

1. The petitioner herein seeks directions to respondent No. 5 to add offences punishable under Sections 307, 326, 353 of the Indian Penal Code.

2. Learned counsel for the petitioner states that pursuant to the First Information Report dated 17th June, 2022, Crime No. 123/2022 was registered for offence under Sections 323, 324, 504, 506 read with Section 34 of the Indian Penal Code. It is stated that the crime has been investigated and charge-sheet has been filed. Learned counsel for petitioner submits that the material on record

prima facie reveals commission of offence under Sections 307, 326, 353 of the Indian Penal Code.

3. It may be mentioned that Section 216 of the Code of Criminal Procedure confers powers on the Trial Court to alter or add any charge before the judgment is pronounced.

4. In view of this, learned counsel for the petitioner seeks leave to withdraw the petition with liberty file appropriate application before the Trial Court.

5. Leave with liberty granted. Petition stands disposed of as withdrawn.

(R. M. JOSHI)
Judge

(SMT. ANUJA PRABHUDESSAI)
Judge

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