

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 430 OF 2020

Vaishali W.o. Arun More
Maiden Name Vaishali Balasaheb Kadam ...Petitioner
Versus
Arun S-o. Kashinath More And Ors. ...Respondents

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Ms. Samruddhi Iyer a/w Mr. Umesh Iyer a/w Mr. Danish Kharzade,
Advocate for the Petitioner.
Mr. A. R. Patil, APP for the Respondent – State.

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CORAM : R. G. AVACHAT, J.
DATE : 4th JANUARY, 2023.

PER COURT:

1. The challenge in this Petition is to the order dated 15th April, 2019 passed on the application Exhibit-1 in Criminal Application No.66 of 2017. The Petitioner herein had lodged the First Information Report on 29th April, 2015. The crime pursuant thereto was registered and charge-sheet came to be filed for offences punishable under Sections 498-A, 420, 354, 504 and 506 read with 34 of the Indian Penal Code. The Petitioner/Informant moved the application to the Court of Learned Magistrate, Khalapur, in 2017 seeking direction to the Investigation Officer to make further investigation in view of Section 173 (8) of the Code of Criminal Procedure.

2. The learned Advocate for the Petitioner would submit that the crime scene panchanama was not drawn, various discrepancies

were crept in. The FIR and the statements of the witnesses made out offences punishable under Sections 3, 5, 6, 7 and 9 of the Prevention of Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, etc.

3. Learned APP, on the other hand, informs that trial has commenced and charge has been framed.

4. Learned Advocate for the Petitioner relied upon the judgment of the Apex Court in the case of *Vinubhai Haribhai Malaviya and Ors. Vs. State of Gujrat and Anr.* Since trial has commenced by framing of the charge, it appears that the Petitioner has slept over his right meaning thereby he did not move this Petition at the earliest. This Court is not inclined to interfere in the order impugned herein. Needless to mention if during evidence of the witnesses some other offence is found to have *prima facie* been committed, the Court concerned to do well to exercise the powers to frame appropriate charge in that regard.

5. Petition stands disposed of.

(R. G. AVACHAT, J.)