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

CRIMINAL WRIT PETITION NO. 1872 OF 2022

Soni Rish Sarawgi	...Applicant
V/s.	
State Of Maharashtra And Ors.	... Respondents

Mr. Umesh Vaishya for the Petitioner.

Ms. M. M. Deshmukh, APP for the State.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.**

DATED : 25th AUGUST, 2023

P.C.:

1. The prayer is for the direction to the investigating officer to add offence punishable under Section 120 B of the Indian Penal Code, Section 66 (d) of the Information Technology Act, 2000 and also relevant provisions of the Dowry Prohibition Act.

2. The Accused persons are already chargesheeted.

3. The genesis of the offence is based on the registration of the name by the Petitioner as a marriageable candidate on Jeevansathi.com, her marriage with accused reached on 2nd February, 2019 and thereafter the act of cheating discovered by her, attempt to murder her, criminal breach of trust, etc.

4. The submissions of the counsel for the Petitioner are

even if the accused persons are chargesheeted, though the Petitioner has already informed the investigating officer, the accused persons are not booked for an offence punishable under Sections 120 B of the Indian Penal Code so also the provision Dowry Prohibition Act and Information Technology Act.

5. As far as the argument canvassed by the counsel for the Petitioner qua the satisfaction of the ingredients of offence under Section 120 B is concerned, we are unable to see any material available on the record to infer the satisfaction of the ingredients. Apart from general allegations as regards the offence under Section 66 (d) of the Information Technology Act, we are of the view that the said issue can be looked into by the appropriate Court at the time of dealing with Trial, i.e., at the time of framing of charge qua, the offence under Section 66 (d) of the Information Technology Act, the offence under the Dowry Prohibition Act and also offence of the hatching of the criminal conspiracy by the accused persons. In support of the aforesaid observations, we can draw support from the provisions of the Section 8 and Section 173 of the Code of Criminal Procedure, 1973.

6. In this background, keeping such option open to the Petitioner, we do not see any reason to cause interference qua the prayer of the Petitioner about the addition of the offences in the chargesheet that too at this stage of the proceedings.

7. As such, Petition stands disposed of with above observations.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE)