

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2355 OF 2019

Atik-Ur-Rehman Mohd. Javed Shaikh .. Petitioners
& Anr.

Versus

The State of Maharashtra .. Respondent

...

Mr.S.G.Abbas Kazmi with Mr.Ali Kazmi for the Petitioners.
Mr.Y.M.Nakhwa, A.P.P. for the State/Respondent.

...

CORAM: BHARATI DANGRE, J.
DATED : 11th SEPTEMBER, 2023

P.C:-

1. The present writ petition is filed, being aggrieved by the order dated 21/12/2018, by which the learned Additional Sessions Judge rejected the request of not to frame charge under Section 325 of IPC.

2. Heard the learned counsel for the Petitioners and the learned A.P.P. for the State.

Perusal of the Medical Certificate as well as the statements of the witnesses, through which the prosecution case has surfaced, clearly refer to the loss of tooth and, ultimately whether this was the cause of assault, is the matter of trial.

3. The concurrent finding rendered by the two Courts below do not warrant interference. Necessarily, upholding that the charge under Section 325 deserve to be framed, the petition is dismissed.

(SMT. BHARATI DANGRE, J.)