



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

CRIMINAL REVISION APPLICATION NO. 173 OF 2024

PRAVIN UTTAM MISAL AND OTHERS
VERSUS
THE STAT OF MAHARASHTRA

...
Advocate for Applicants : Ms. Ashwini A. Lomte
APP for Respondent : Ms. Vaishali S. Chaudhari
...

CORAM : S. G. MEHARE, J.

DATE : 07-10-2024

PER COURT :-

1. Heard the learned counsel for the applicants.
2. Issue notice to the respondent.
3. The learned A.P.P. waives service of notice for the State.
4. The learned counsel for the applicants submits that the applicants have not been given an opportunity of hearing before framing the charges. They are not active participants in the crime. However, they are present on the spot of the incident. Hence, the charge framed against them may be quashed and set aside.
5. Considering the submissions of the learned counsel for the applicants and the evidence of presence of the applicants on the spot of the incident, framing of the charge for the offences punishable under Sections 143, 148, 504, 120B and 302 read with

Section 149 of the Indian Penal Code is not illegal. The charges appear to have been framed from the material placed before the Court. The applicants never asked before the learned Sessions Court for hearing them before framing of charge. They have a right to apply for alteration of charge before the Court. *Prima facie*, there is nothing on record to interfere with framing of the charges against the applicants.

6. Hence, criminal revision application stands dismissed at the admission stage.

(S. G. MEHARE)
JUDGE

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