

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

CRIMINAL WRIT PETITION NO.1551 OF 2022

Chandrasen Rambhau Garad and Ors. ...Petitioners
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Machhindra Patil i/b Mr. Rahul V. Shinde, for the Petitioners.

Mr. Ajay Patil, A.P.P for the Respondent-State.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 21st AUGUST 2024

P.C. :

1. By this petition, the petitioners seek a direction to the police to add Section 307 of the Indian Penal Code (I.P.C.) to C.R. No.64 of 2020 registered with the Pangri Police Station, Solapur.

2. Learned APP on instructions states that the police after investigation have filed charge-sheet in the aforesaid case in the year 2020 itself. He submits that none of the grievous injuries were on the vital parts of the body, as a result of which, Section 307 of the I.P.C. has not been added to the aforesaid C.R. He further submits that

even otherwise, the petition suffers from delay and latches and as such the same ought not to be entertained.

3. Perused the petition. We do not wish to enter into the merits of the petition, considering that charge-sheet has been filed and the case is pending before the learned Judicial Magistrate First Class, Barshi.

4. Needless to state, that if there is evidence warranting application of Section 307 of the I.P.C. during trial, it is always open for the petitioners to request the learned trial Judge to add the said Section. If such an application is made, the trial Court to decide the same in accordance with law.

5. The petition is accordingly disposed of with the aforesaid observations.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.