



ORDER BELOW EXH. 49 IN R.C.C. NO. 23/2021

State of Maharashtra Vs. Krushnat Rajaram Giribuwa

CNR No.:- MHKO130001642021

This is the application of the prosecution filed with request to frame an additional charge u/s. 326 of the Indian Penal Code, 1860 in short (hereinafter will be referred as the "I.P.C."). It is submitted that, the injured Meena has sustained the grievous injury of fracture. Medical certificate suggests the same. In spite of such a fact, the charge u/s. 325 is framed. Resultantly, the prosecution submits to alter the same and to frame charge u/s. 326 of I.P.C.

02. The application is objected by the defence. It is submitted that, the charge is already framed u/s. 325, 324, 504, r/w. 34 of I.P.C. Evidence of the informant & witness is already recorded & the matter is pending for evidence of Medical Officer. Already framed charge is correct & proper & there is no need to alter the charge. Hence, the accused submits to reject the application.

03. Heard, both the sides. Perused the application & say. Perused the record of the case.

04. On perusal of the record it appears that, medical certificate denotes that, the injury mentioned that Sr. no.1 is 'non-displaced transverse translucency seen through shaft of ulna distal end consistent with fracture'. Evidence of the informant & the First

Information Report denotes that, the said injury is caused due to the beating by stick. It is no doubt the said weapon is deadly weapon. Thus, apparently provision under the 326 of the I.P.C. is attracted. Hence, following order is passed:-

ORDER

1. The application at (Exh. No. 49) is allowed.
2. Charge framed under Exh. 24 is altered & additional charge u/s. 326 of the I.P.C. is framed against the accused.
3. Both the parties are at liberty to re-examine the witness if any that were already examined by them.

Kagal.
Date: 20/03/2025.

(**Smt. P. S. Patil**)
Judicial Magistrate First Class,
Court No. 2, Kagal.