

**ORDER BELOW EXH. 22**  
**CNR No.MHLA150006292015**

The learned APP Shri K.S. Kulkarni has filed this application u/s. 216 of the code of Criminal Procedure for addition of charge u/s. 326 of the Indian Penal Code against the accused persons. The learned counsel Shri F.V. Shaikh for the accused prayed for reject the said application due to weapon is not deadly. Perused the record and proceeding it is seen that my learned predecessor has been framed charge against the accused persons u/s. 324 and other sections at Exh.10. The investigating officer seized the stick as per charge-sheet.

2. Perused the section 326 of IPC it is mentioned that whoever..... instrument for shooting, stabbing or cutting any instrument which used as weapon of offence is likely to cause death..... and shall also be liable to fine.

3. As per FIR and injury certificate of the informant namely Tukaram Gopal Mekhale it is seen that injured sustained injury by stick on his right knee and medical officer reserved the right of nature of injury and he referred the injured person to E.N.T. expert. Considering the nature of injury of the injured person it is seen that death of informant is not possible by stick. Moreover, stick is not a deadly weapon as

mentioned in said section i.e. shooting, stabbing or cutting.  
Hence, in this circumstances I pass the following order.

**ORDER**

1. Application is hereby rejected.

Date- 21-06-2019

**(A.S. Alewar)**  
Judicial Magistrate F.C.,  
Chakur.