

Court No. - 88

Case :- APPLICATION U/S 482 No. - 26526 of 2023

Applicant :- Ambesh Kumar Shukla

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Hitesh Pachori

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State/opposite party no.1 and perused the record.

By means of this application under Section 482 Cr.P.C., the applicant has challenged the charge-sheet dated 04.03.2023, cognizance/summoning order dated 13.03.2023, order dated 31.03.2023 whereby charge has been framed against the applicant and proceedings of Case No. 2946 of 2023 (State of U.P. Vs. Nikhil Sharma and another) arising out of Case Crime No. 0381 of 2022, under Sections 420, 467, 468, 471, 406, 506 IPC, Police Station Kotwali Nagar, District Hamirpur pending in the court of Chief Judicial Magistrate, Hamirpur.

Main substratum of argument of learned counsel for the applicant is that considering the material on record, no offence under Sections 420, 467, 468, 471, 406, 506 IPC is made out against the applicant. Hence, charge-sheet dated 04.03.2023, cognizance/summoning order dated 13.03.2023 and the order of framing charge dated 31.03.2023 are liable to be quashed.

Per contra, learned Additional Government Advocate for the State refuting the submissions advanced on behalf of the applicant contended that basic ingredients to constitute the aforesaid offence against the applicant are very much available on record, hence, prima facie offence under the aforesaid sections against the applicant is fully made out. Hence, this application is liable to be dismissed.

Having examined the matter in its totality, I find that in view of Section 216 Cr.P.C., it is well settled that charge can be altered at any stage of the trial on the basis of evidence led before the trial Court. The defence of the accused/applicant can be taken into consideration at the appropriate stage. Accordingly, the relief as sought by the applicant through the instant application is hereby refused.

This application under Section 482 Cr.P.C. lacks merit and is dismissed.

Order Date :- 12.10.2023
Shubham