

Court No. - 11

Case :- CRIMINAL REVISION No. - 648 of 2023

Revisionist :- Barkat Ali

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Lucknow And 3 Others

Counsel for Revisionist :- Desh Ratan Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the revisionist as well as Sri Anurag Varma, learned AGA and perused the record.
2. The present criminal revision under Section 397 read with Section 401 Cr.P.C. has been filed against the order dated 3.4.2023 passed by the learned Sessions Judge, Hardoi in Sessions Trial No.39 of 2023, whereby the charge has been framed against respondent nos. 2 to 4 under Section 304/34 IPC.
3. Learned counsel for the revisionist submits that evidence available on record would suggest that it is a case of murder and not a homicide not amounting to murder. However, the charge has been framed only under Section 304/34 IPC. He further submits that the charge ought to have been framed under Section 302/34 IPC.
4. Framing of charge is not the final verdict. During the course of trial, if the evidence come that some other offence has been committed by the accused, then the charge will be framed/altered accordingly and the trial court is not precluded from doing so.
5. In view thereof, the present revision is ***disposed of*** with liberty to the revisionist to move an appropriate application for alteration of the charge after the evidence is led. If such an application is made after the evidence is led, the trial court shall decide the same in accordance with law.

Order Date :- 20.6.2023

Rao/-