



2025:UHC:4631

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 298 of 2025

Ayyaz

.....Revisionist

Versus

State Of Uttarakhand

.....Respondent

Presence:-

Mr. Mohd Safdar, learned counsel for the revisionist.

Mr. Deepak Bisht, learned Deputy A.G. for the State.

Dated : 06.06.2025

Hon'ble Vivek Bharti Sharma, J.

This criminal revision has been filed by the revisionist challenging the order dated 05.05.2025 by the learned 2nd Additional District and Sessions Judge, Haridwar, in Sessions Trial No. 08 of 2025 whereby the order to frame charge for offences punishable under Sections 147, 148, 149, 452, 323, 307, 504 and 506 I.P.C was passed.

2. Learned counsel for the revisionist/accused would submit that the FIR was initially lodged by respondent no.2 against five accused persons including the present revisionist; that, upon completion of investigation, the Investigating Officer submitted a charge sheet against the four co-accused persons under Sections 147, 148, 149, 452, 323, 307, 504 and 506 I.P.C.; that, the cognizance was taken by



learned Chief Judicial Magistrate, Haridwar on 16.02.2019; that, subsequently, a supplementary charge sheet was filed against the present revisionist/accused also under Sections 147, 148, 149, 452, 304, 307, 323, 504, and 506 IPC, whereupon the cognizance was again taken by learned Chief Judicial Magistrate, Haridwar on 15.05.2019.

3. Learned counsel for the revisionist/accused would further submit that after trial court took cognizance against five accused persons including the present revisionist/accused, the Investigating Officer moved an application before the trial court for further investigation of the case; that, after further investigation, the Investigating Officer submitted a supplementary charge sheet stating that no offence under Section 307 IPC was made out against the first four previously charge-sheeted co-accused but remained silent on the same regarding the present revisionist/accused.

He would further submit that the revisionist/accused filed a discharge application before the trial court on the ground that since Section 307 IPC was dropped against the four co-accused in charge-sheet filed on further investigation, the present revisionist/accused be discharged.



4. *Per contra*, learned State counsel would strongly oppose the above submissions on the ground since learned Chief Judicial Magistrate, Haridwar had already taken the cognizance against the other four co-accused persons under Section 307 I.P.C. also on the first charge sheet filed by the Investigating Officer, therefore, the Investigating Officer did not have any authority to file a fresh chargesheet against the co-accused exonerating them from the charge of Section 307 I.P.C.; that, hence, trial court rightly dismissed the discharge application after evaluating the materials on record by impugned order dated 05.05.2025.

5. Perused the record in the light of the submissions made by learned counsel for the revisionist/accused.

6. Upon perusal of the record, this Court finds no illegality, impropriety, or incorrectness in the impugned order rather this Court concurs **with the view of the trial court that once cognizance for the offence of Section 307 I.P.C. had already been taken by the trial court, the Investigating Officer exceeded his power in filing a subsequent chargesheet on further investigation stating that no offence was made out under Section 307 IPC against the co-accused.**

7. Learned counsel for the



revisionist/accused could not point out any other irregularity in the proceedings of the lower court or any impropriety, illegality and incorrectness in the impugned orders except that in charge sheet after further investigation, the Investigating Officer exonerated the remaining co-accused from the offence of Section 307 I.P.C.

8. In view of the foregoing discussion, this Court is of the view that there is no reason to make any interference in the impugned judgment and order. The revision deserves to be dismissed at the admission stage.

9. Accordingly, the revision is hereby dismissed *in limine*.

10. The revisionist/accused is directed to appear in the trial court on 16.06.2025 at 10.30 A.M. for which no summon is needed to be sent.

11. Let a copy of this order be sent to the trial court for information and needful as per law.

(Vivek Bharti Sharma, J.)
06.06.2025

Mamta