

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49271 of 2012

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Md. Ayub S/O Late Adul Hakim Resident of Village- Bahadurpur (Main Mahsi),
P.S- Mehsi, District- East Champaran.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S. M. Nematullah, Adv.

For the Opposite Party/s : Mr. Manoj Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL

ORAL JUDGMENT

Date: 19-05-2015

Heard learned counsel for the petitioner and the State.

This application has been filed for quashing the order dated 24.9.2012 passed by the learned 8th Additional Sessions Judge, Motihari in Sessions Trial No. 523 of 2009 arising out of Mehsi P. S. Case No. 28 of 2009 by which the learned trial Court has framed additional charge against the accused including the petitioner for the offence punishable under Section 302 IPC.

Learned counsel for the petitioner submits that charge under Sections 340 B and 201 IPC had already been framed and thereafter seven prosecution witnesses were examined on behalf of the prosecution but at the fag end of the trial additional charge has been framed under Section 302 IPC without giving any cogent reason.

Learned counsel for the State submits that after examination of the prosecution witnesses, the prosecution filed a petition under

Section 216 Cr.P.C. on 19.1.2012 before the trial Court for adding/ altering the charge under Section 302 IPC against the accused. The defence has also filed the rejoinder on 15.5.2012 and after considering all the material learned trial Court has also framed charge under Section 302 IPC.

After hearing learned counsel for both the parties, it appears that charge was framed against the accused including the petitioner for the offence punishable under Sections 304 B and 201 IPC and after examination of seven prosecution witnesses, it had been brought to the notice of learned trial Court that offence under Section 302 IPC was also made out and accordingly charge under Section 302 IPC was added against the accused.

It is well settled that charge can be amended at any stage before pronouncement of judgment.

Considering the facts and circumstances, I do not find any merit in this petition. It is, accordingly, dismissed.

(Amaresh Kumar Lal, J)

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