

Party Name : MITHUN ACHARJEE Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This petition under Section 397 read with Section 401 Cr.P.C. is directed against the order dated 13.07.2015 whereby the learned trial Court has rejected the prayer made by the accused for altering the charge framed against the accused from that under 366 IPC to one under 363 IPC.

The charge was framed on 06.04.2015 in the presence of the counsel and no objection was raised at the time of framing of charge.

A criminal Court has no power of reviewing its own orders. Even in this petition, the order framing charge dated 06.04.2015 is not being challenged and challenge has been made only to the order dated 13.07.2015. The charge has been framed vide order dated 06.04.2015 and the order framing charge has not been challenged. Therefore, I am clearly of the view that in this petition, the charge cannot be altered. Even on merits, I am not at all in agreement with learned counsel for the parties.

The main argument appears to be that the victim in her statement has not stated that she was being induced with a view to be forced to or seduced to illicit intercourse with another person against her. It is true that this has not been stated by the victim in her statement under Section 161 Cr.P.C. or 164 Cr.P.C. but one important fact which has been stated is that the petitioner-accused asked some other person to pay Rs.2,00,000/-. Rs.2,00,000/- was not going to be paid as charity to the accused. It was being paid only for some illicit purpose and at this stage, I do not think it is a fit case to interfere in framing of the charge. Therefore, the petition is dismissed.