

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 308 of 2015**

- Nageshwari D/O Manuram Yadav Aged About 18 years R/O Jharna, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.
- Rajkumar @ Raju S/o Ganpat Das Vaishnav @ Premdas Vaishnav Aged About 22 Years R/O Kirari, PS Baradwar, District Janjgir Champa Chhattisgarh.
- Shekhar Yadav S/o Digambar Yadav Aged About 17 Years and 2 months R/O Kirari,ps Baradwar, District Janjgir Champa Chhattisgarh (Juvenile Accused).

---- Respondent

For applicant	: Ms. Nirupama Bajpai, Adv.
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22/04/2015**

1. Heard criminal revision finally at motion stage. It is within time.
2. At the outset, it is prayed by learned counsel for the applicant that trial Court has not framed charges of Section 376 of Indian Penal Code against non-applicant No. 2 Rajkumar @ Raju son of Ganpat Das. As per charge sheet submitted under Section 173 of the Code of Criminal Procedure, the prosecution collected evidence against the non-applicant No. 2 that he had committed rape against will and consent of the prosecutrix. Hence by filing this criminal revision, prosecutrix prayed that charge under Section 376 of Indian Penal Code be also framed against non-applicant No. 2 Rajkumar. Learned counsel for the applicant further submitted that against the juvenile accused/applicant No. 3 Shekhar Yadav, charge sheet is filed before the

concerned juvenile court. He is being tried separately by the court concerned.

3. During argument, learned counsel for the applicant submitted that as per Section 216, Chapter 8 of the Code of Criminal Procedure, the Court may alter the charge at any time before pronouncement of judgment. Therefore, she seeks to withdraw this revision with liberty to file appropriate petition through State i.e. public prosecutor before the trial Court for framing of additional charge.
4. In the circumstances, the criminal revision filed by the applicant is dismissed as withdrawn with aforesaid liberty that the applicant may file appropriate petition for framing of additional charge before the trial Court through State/public prosecutor in-charge of the prosecution.

Sd/
Chandra Bhushan Bajpai
Judge