

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 811 of 2013

Order:

This Criminal Revision Case is directed against the order, dated 06.03.2013, passed in CrIMP No.778 of 2008 in CC No.56 of 2008 by the learned Judicial Magistrate of First Class, Kuppam, Chittoor District.

2. The revision petitioner herein is the *de facto* complainant. He filed a complaint before the police and based on which a case in Crime No.116 of 2007 was registered against the accused for the offences punishable under Sections 147, 148, 307, 448, 427 read with Section 149 IPC. During the course of investigation, the investigating officer did not find sufficient material to proceed against the accused for the offence punishable under Section 307 IPC, hence, that section was deleted and filed a charge sheet before the trial Court and cognizance was taken for the offences punishable under Sections 147, 148, 324, 448, 427 and 506 read with Section 149 IPC. Thereafter, the revision petitioner filed CrI.MP No.778 of 2008 in CC No.56 of 2008 seeking to frame the charge for the offence punishable under Section 307 IPC against the accused. The Court below has rejected the said request on the ground that there is no sufficient material for holding that the ingredients of Section 307 IPC are attracted. Aggrieved by the same, the revision petitioner has preferred the present revision case.

3. The charge sheet has been filed for different offences other than the offence punishable under Section 307 IPC. On a plain reading of a charge sheet what is required to be seen is what are the nature of offences that are attracted. Even if the investigating officer do not refer to any provision of law, it is always open to the Criminal Court to frame appropriate charges taking into consideration the totality of the allegations contained in the charge sheet. Not only that, even during

the course of trial, if it comes to the notice of the trial Court that the offence other than the offences alleged in the charge sheet attracts to the case it is always open to the trial Court to amend the charges and take steps which are permissible in accordance with law. But, in the instant case, since the petitioner has filed the present petition before commencement of trial itself requesting to add Section 307 IPC without any evidence being on record, his request was rightly rejected by the trial Court and I see no irregularity or illegality in the said order. There are no merits in the Criminal Revision Case and the same is liable to be dismissed.

4. Accordingly, the Criminal Revision Case is dismissed. However, it is made clear that, at any stage subsequent to trial, if the trial Court feels any necessity to alter the charges, it is open to the trial Court to proceed in accordance with law.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 23.06.2015

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