

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Revision No.3311 of 2015(O&M)

Date of Decision: September 07, 2015

Dinesh Kumar & Ors.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Amit Parashar, Advocate,
for the petitioners.

Naresh Kumar Sanghi, J.(Oral)

Learned counsel for the petitioners prays for withdrawal of the present petition with liberty to raise all the pleas, taken in this petition, before learned trial Court at appropriate stage.

During course of hearing, this Court finds that for the commission of the offence punishable under Section 307, IPC, each petitioner has been charged with the aid of Section 149, IPC. The relevant charge reads as under:-

“x x x x x

Fourthly, on the same date, time and place, you and your co-accused Ram Kishan, Shishwati and Rama in furtherance of your common intention caused injuries to PW Lalita Singh with such intention or knowledge and under the circumstances that by that act, you had caused her death, you would have been guilty of murder and thereby committed an offence punishable under Section 307/149 IPC and within the cognizance of

this Court.”

The opening words of the charge starts with in furtherance of common intention. These lines would attract the provisions of Section 34, IPC, and not Section 149, IPC.

Learned trial Court shall amend the charge in accordance with law to that extent.

With the above directions, the present petition is disposed of.

September 07, 2015
seema

(Naresh Kumar Sanghi)
Judge

