

Arising Out of PS.Case No. -136 Year- 2010 Thana -BARSOI District- KATIHAR

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Md. Ataur Rahman -Advocate

For the Opposite Party/s : Mr. Jitendra Kr.Singh 1(A.P.P.)

02 22-09-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Petitioner is aggrieved by an order dated 20.10.2011 passed by the learned Additional Sessions Judge, Fast Track Court-IV, Katihar in Sessions Trial No.277 of 2011 arising out of Barsoi P. S. Case No.136 of 2010 whereby and whereunder the learned lower Court had framed charge against the petitioner under Section 302, 201, 34 of the I.P.C.

While agitating his grievances against the order impugned, it has been submitted on behalf of petitioner that petitioner should not have been charged for major offence as, there happens to be no allegation against him attributed by the prosecution that anyway he was involved for committing murder

of the deceased though the learned lower Court had perceived the same whereupon charge has been framed against the petitioner under Section 302/ 34, 201/ 34 of the I.P.C. It is needless to say that in terms of Section 216 of the Cr.P.C., the Court has got power to add, amend, alter the charge up-till the stage of judgment.

That being so, the Court, if the circumstances so needed, may invoke the jurisdiction as provided under Section 216 of the Cr.P.C. at appropriate stage or the Court even during course of judgment may perceive presence of minor offence in terms of Section 222(1) of the Cr.P.C.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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