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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 816/2015**

STATE

Through Petitioner
Mr.Rajat Katyal, APP for the State.
Inspt.Satyapal Singh, SI Dev Raj, PS
Bharat.

versus

NEERAJ AHLUWALIA & ANR.
Through

..... Respondents

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **28.03.2016**

Crl.M.A. No.18327/2015

Exemption allowed subject to just exceptions.

CRL.REV.P. 816/2015

The present petition has been preferred by the State under Section 397/401 read with Section 482 of Code of Criminal Procedure against the order dated 31st August, 2015 passed by learned Additional Sessions Judge, Rohini Courts, Delhi in FIR Case No.492/14 registered at Police Station Bharat Nagar under Sections 304/323/34 Indian Penal Code thereby framing charges against the accused under Sections 304/323/34 IPC despite there being ample

prima facie material on record to frame charge under Section 302 Indian Penal Code.

Having heard learned counsel for the petitioner/State and perused the records, admittedly, the petitioner is having remedy to move an application under Section 216 of the Code of Criminal Procedure, before the Trial Court for alteration of charges. Definitely, the trial is being conducted by the Court of Sessions and the jurisdiction of the Court is not going to change.

In such scenario, the present petition is disposed of with the observation that the petitioner would be at liberty to move the application before the Trial Court.

P.S.TEJI, J

MARCH 28, 2016

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