

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.105 of 2015

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1. Subodh Kumar Singh Son of Kalika Singh Resident of Village - Panchbhirva P.S-
Saraiya, Distt- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Singh Son of Late Mahendra Singh Resident of Village + P.O Manain
P.S - Shebganj Distt- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv
For the State : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 06-03-2017

The petitioner is aggrieved by order dated 12.01.2015
passed by XIth Additional Sessions Judge, Muzaffarpur, whereby it
has allowed an application filed by the prosecution for addition of
charge of offence punishable under Section 304B and 302 of the
Indian Penal Code read with Section 306 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
has submitted that though the allegations made in the FIR constitute
commission of offence under Section 304B of the Indian Penal Code
but on conclusion of investigation, the case was found to be that of
suicide and accordingly, chargesheet was submitted under Section 306
of the Indian Penal Code.

It seems that after passing of the order, the trial before



the court below has commenced and some of the prosecution witnesses have been examined. The petitioner can raise such plea which have been raised in the present application at the trial. In my view at this stage, addition of charges under Sections 304B and 302 of the Indian Penal Code cannot be said to be causing any prejudice to the case of the petitioner. I therefore, do not intend to interfere with the impugned order dated 12.01.2015. The petitioner will be at liberty to raise the points as taken in the present application for the purpose of his defence at the trial.

This application is disposed of with the observations as above.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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