

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.122 of 2015

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1. Shailesh Ray Son of Kedar Ray, Resident of village- Araila, P.S.-
Dumroan, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Ray, son of Late Haribans Ray
3. L.G. Ray @ Ravi Ray, son of Raj Narayan Ray
4. Brijan Ray, Son of Late Jagdish Ray
5. Ramesh Ray, Son of Basudeo Rai, All are resident of village- Araila,
P.S.- Dumroan, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Respondent/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-03-2017 The petitioner had filed an application before the court of learned Judicial Magistrate 1st Class, Buxar for alteration of charge on the plea that on the basis of evidence of witnesses adduced at the trial, offence under Section 392 of the Indian Penal Code was also made out in addition to the offence under Section 379 of the Indian Penal Code. The said application has been rejected by the impugned order dated 12.11.2014 by learned Judicial Magistrate 1st Class, Buxar.

While rejecting the application, the court below has made it clear that the point of alteration of charge shall be considered after cross-examination of witnesses after charge,



when the evidence of witnesses shall be read in totality.

I do not find any illegality in the impugned order, requiring this Court's interference at this stage, in view of the observation made by the court below that the point of alteration of charge shall be considered at appropriate stage.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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