

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1226 of 2013

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1. Radheshyam Pathak Son Of Yadunandan Pathak R/Ov Illage-Badwa,
P.S.-Aandar, District-Siwan

.... Petitioner/s

Versus

1. The State Of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey

For the Respondent/s : Mr. Arun Kr. Singh 5 (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

8 11-07-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is aggrieved by an order, dated 05.08.2013, passed by learned Additional Sessions Judge I, Siwan, in Sessions Trial No. 193 of 2013, whereby and whereunder he has refused to frame charge under Section 307 of the Indian Penal Code The said sessions trial arises out of Complaint Case No. 63 of 1982 filed by the petitioner.

From the impugned order, I notice that the charge in the sessions trial was framed under Sections 147, 148, 323, 324, 325 and 326 of the Indian Penal Code. The complainant filed the application on 15.07.2013, seeking alteration of charge, asserting that offence under Section 307 of the Indian Penal Code was made out. Learned Court



Below, upon considering the material on record, found that there was no need of framing of charge under Section 307 of the Indian Penal Code and accordingly sent back the case by the impugned order to Judicial Magistrate, 1st Class, Siwan, for trial.

There is no illegality in the impugned order. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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