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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 127 of 2017**

Dr. Ramesh Prasad Diwedi, aged 49 years, S/o Shri Virindavan Prasad Diwedi, R/o Plot No. 627/43, Awadhpuri, Risali, P.S. Nevai, Tah. & Distt. Durg, Chhattisgarh.

---- **Petitioner****Versus**

State Of Chhattisgarh Through Police Station Nevai, District Durg, Chhattisgarh.

---- **Respondent**

For the Petitioner	: Shri Devershi Thakur, Advocate.
For the Respondent/State	: Shri Neeraj Sharma, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.09.2017**

1. Heard.
2. This petition has been brought challenging the order passed by the Court of 5th Special Additional Sessions Judge (F.T.C.), Durg framing charge against the petitioner.
3. Learned counsel for the petitioner submits that the learned trial Court has framed the charges against the petitioner for the offence under Sections 354 and 354A of the Indian Penal Code and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act'). It is submitted that the offence under Section 354A of the IPC has four categories as defined in the provision concerned. Similarly, Section 11 of the POCSO Act also categorizes the offence which can be committed in six separate manner. It is also submitted that the charge framed against the

petitioner had to be specific so that the defence required to be taken in this case is understood by the petitioner/ accused and the case is defended accordingly. Hence, it is prayed that the case be remanded to the trial Court with directions to frame specific charges against the petitioner.

4. Learned State counsel has no objection if order of remand is passed by this Court.

5. Perused the record.

6. Section 213 of the Code of Criminal Procedure provides that when the nature of case is such that the particulars mentioned in Sections 211 and 212 of the Cr.P.C. do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain particulars of the manner in which the alleged offence was committed as will be sufficient for the purpose. This provision makes it specific that the manner of commission of offence has to be explained so that the accused get sufficient notice of the offence with which he is charged, which shall help in taking his stand in defence.

7. Section 354A of the Indian Penal Code defines four different acts and in any of such act committed by a person shall be regarded as commission of offence under Section 354A of the IPC. Similarly, Section 11 of the POCSO Act defines six different acts and in any of such act committed by a person shall be regarded as the offence of sexual harassment under the above-mentioned provision. On framing charge without mentioning the specific act which is detailed in the provision of Section 354A of the IPC and

Section 11 of the POCSO Act, the general impression would be that the accused has committed all the acts which are regarded as offence under the concerned provisions which is not to be done and uncalled for looking to the contents of the charge-sheet filed against the petitioner.

8. Even after making these observations, this Court does not find any reason to set aside the order passed by the trial Court for the reason that the trial Court is itself vested with powers to alter or add in all the charges framed by itself under the provisions of Section 216 of the Cr.P.C. Hence, this petition is disposed off with the direction to the trial Court to consider alteration or addition of any charge framed against the petitioner in this case.

9. In view of the observations made in this order, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge