

**HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL REVISION CASE No.1121 OF 2017**

**ORDER:**

Heard, before admission, the counsel for petitioner and the public prosecutor representing the State.

2. The power of the court under Section 216 of Cr.P.C., even before pronouncement of judgment including after hearing arguments, to alter by adding or deletion of the charge can no way be disputed by virtue of the power conferred by the statutory provisions. Originally, there is no mention of Section 417 or 420 IPC for the alleged offence of cheating and there is no separate charge earlier framed and parties put to trial and it is in the course of hearing arguments from the application of the learned Public Prosecutor, even it brought to the notice of the court of the necessity to frame any charge by alteration or addition, as the case may be, that is not the be all as framing of charge is different from ultimate finding on the respective charge and further, once there is an addition or alteration of charge, accused and the prosecution agency are entitled by virtue of Section 217 Cr.P.C., for recall of any witness for further examination in chief or cross, as the case may be, respectively pursuant to the altered or added charge.

3. Having regard to the above and from the facts, there is nothing to interfere by sitting in revision against the altered charge, the revision is disposed of giving liberty to the petitioner to file any application for recall of any witnesses for further examination under Section 217 Cr.P.C., and the trial court shall consider.

4. Miscellaneous petitions pending, if any, in this case shall stand closed.

**20.04.2017**  
**SS**

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**DR.B.SIVA SANKARA RAO, J**

