

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-15984 of 2017 (O&M)
Date of Decision: May 08, 2017

Manjit Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Gurna, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 22.11.2016 passed by learned Addl. Sessions Judge, Patiala, whereby alternate charge under Section 307 IPC has been added to the existing charge under Section 308 IPC.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that during the trial, an application has been filed before learned Addl. Sessions Judge, Patiala, for amendment of the charge. Initially the FIR in the present case was registered under Sections 323, 341, 506 and 34 IPC but after medical evidence, Sections 307 and 325 IPC were added, but the challan was not presented under Section 307 IPC. The Court framed the charge under Sections 308, 323, 325, 341, 506 and 34 IPC.

The perusal of the impugned order shows that PW-1

found to be NCCT head shows midline shift and hemorrhagic contusions and the injury in question was declared to be dangerous to life. The Court in view of the statement of the doctor, found prima facie case and held that charge under Section 307 IPC is also made out. As the accused had already been charged under Section 308 IPC, therefore, learned trial Court framed the charge under Section 307 IPC in the alternative.

The perusal of the impugned order passed by learned Addl. Sessions Judge, Patiala dated 22.11.2016 shows that it is as per law. No illegality has been committed by the Court below. The charge under Section 307 IPC has been framed in the alternative. Earlier petitioners have been charged under Section 308 IPC also and learned counsel for the petitioners has not challenged order of framing of charge under Section 308 IPC. At this stage, no prejudice is caused to the petitioners. No illegality has been committed by learned trial court while framing the alternate charge under Section 307 IPC.

Learned trial court, on the basis of evidence on merit, is to decide whether the injuries given to accused amount to attempt to murder or attempt to culpable homicide.

In view of the above discussion, I find that the impugned order dated 22.11.2016 passed by learned Addl. Sessions Judge, Patiala, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

May 08, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No