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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 416/2016

SANOJ

..... Petitioner

Through: Mr. L.K. Verma with Mr. Ajay
Kumar Verma, Advs.

versus

STATE OF DELHI & ORS

..... Respondents

Through: Ms. Neelam Sharma, APP for the
State
SI Nepal Singh, P.S. Fatehpur Beri

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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24.04.2017

The petitioner is the informant of FIR No.145/2015 dated 06.03.2015 (P.S. Fatehpur Beri) instituted for offences under Sections 308, 452, 195A and 34 of the IPC. The police after investigation submitted charge-sheet in the aforesaid sections whereupon cognizance was taken and the case was committed to the Sessions for trial.

Learned Trial Court, on the point of charge, has held by the impugned order, that the offence only under Section 308 IPC and not under Section 307 IPC is made out. The reason assigned by the Trial Court is that since there was a free fight where many persons were injured and many persons were the perpetrators, therefore Section 307 would not be attracted. The aforesaid reasoning, it is submitted, is quite specious.

The learned counsel for the petitioner further submits that some of the victims have received as many as seven injuries on vital portion of their body and all such injuries have been held to be grievous.

This court has been informed that after the framing of charge, not even a single witness has been examined up till now. After some of the witnesses are examined, the petitioner, would be at liberty to approach the Trial Court for alteration of charge in case material come before the Trial Court suggesting that offence under Section 307 has been committed and the accused persons need to be tried for the aforesaid offence. With this observation, the present application is permitted to be withdrawn.

The revision petition is dismissed as withdrawn.

Dasti.

ASHUTOSH KUMAR, J

APRIL 24, 2017

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