

**212(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(Through Video Conferencing)

CRR No.2636 of 2017 (O&M)

Date of Decision: 28.08.2020

Sartaj Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. A.D.S. Sukhija, Advocate,
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

Mr. P.S. Ahluwalia, Advocate and
Mr. H.S. Randhawa, Advocate,
for respondent No.2.

NIRMALJIT KAUR, J.

The present petition has been filed against the order framing charge and the charge sheet served upon the accused in consequence of order dated 03.06.2017 passed by the Additional Sessions Judge, Karnal, vide which, charges were framed under Sections 326, 324, 323, 341, 34 IPC with a prayer to modify the same and order that the charge under Section 307 IPC framed against accused/respondent No.2.

A perusal of Section 216 of the Code of Criminal Procedure (for short Cr.P.C.) shows that the trial Court is always at liberty to alter or add to any charge at any time before the judgment is pronounced in case the evidence produced before it necessitates the same. Section 216 of Cr.P.C. reads as under:-

“216. Court may alter charge . - (1) Any Court may alter or add to any charge at any time before judgment is pronounced.

(2) Every such alteration or addition shall be read and explained to the accused.

(3) If the alteration or addition to a charge is such that proceeding immediately with the trial is not likely, in the opinion of the Court to prejudice the accused in his defence or the prosecutor in the conduct of the case the Court may, in its discretion, after such alteration or addition has been made, proceed with the trial as if the altered or added charge had been the original charge.

(4) If the alteration or addition is such that proceeding immediately with the trial is likely, in the opinion of the Court to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

(5) If the offence stated in the altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction had been already obtained for a prosecution on the same facts as those on which the altered or added charge is founded.”

Hence, this Court is not inclined to interfere in view of the above provision.

Disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

28.08.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No