

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1290 of 2018

Arising Out of PS. Case No.-474 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

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Mahanand Yadav Son of Jagdish Yadav Resident of Mosimpur, Police Station
-Sadar, Distt.-Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kali Mohan Yadav Son of Fuleshwar Yadv
3. Chandra Shekhar Yadav S/o Kali Mohan Yadav
4. Madheshwar Yadav Son of not known
5. Dinesh Yadav Son of Chhatri Yadav
6. Ram Yadav Son of Rajgir Yadav
7. Pradip Yadav Son of Nawal Yadav
All resident of Mosimpur, Police Station-Sadar, Distt.-Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Adv.
For the Respondent/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 12-12-2023 In connection with Darbhanga Sadar P.S. Case No.

474 of 2017, charge-sheet was filed against the opposite
parties/accused persons under Sections 323, 341, 325, 504,
506/34 of the I.P.C.

2. It is the grievance of the petitioner/informant that
the petitioner submitted before the learned court below to take
cognizance of offence under Section 307 of the I.P.C. on the
basis of the Police report, but the learned court below refused to
take cognizance under Section 307 of the I.P.C. and proceeded



to frame charge against the accused persons under the above mentioned penal provisions.

3. It is submitted by the learned Advocate for the petitioner that there was a fighting between the men of the informant and the accused persons and one Mahanand Yadav received grievous injury on his person. The injury report shows that right fibula of his neck was fractured. The Medical Officer opined that the injury received by Mahanand Yadav was grievous in nature. In spite of such material on record, the learned Magistrate did not framed charge under Section 307 of the I.P.C. against the accused person. This prompted the petitioner to file the instant revision.

4. The petitioner has made a prayer in the instant revision directing the learned Magistrate to add Section 307 of the I.P.C. by way of alteration of charge. It is the statutory provision that the learned Magistrate shall have the power to alter or add any charge under Section 216 of the Cr.P.C. at any point of trial. Since the learned Magistrate is enjoyed with such power of addition or alteration of charge, the revisional court has no jurisdiction to interfere with the framing of charge or addition or alteration of the charge, so framed.

5. In view of what has been stated above, I do not find



any merit in the instant revision application and accordingly the same is dismissed.

6. Further the informant is at liberty to raise this point on addition of charge at appropriate stage during trial before the trial court.

(Bibek Chaudhuri, J)

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