

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1919 of 2023

Arising Out of PS. Case No.-19 Year-2015 Thana- RAMKRISHNANAGAR District- Patna

MAHESH PRASAD S/O Late Sadhu Saran Rai R/v- Ashochak, P.S- Ram
Krishna Nagar, Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha
For the Opposite Party/s	:	Mr. Mithilesh Kumar Arya
For the State	:	Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-09-2023 Heard the learned counsel for the petitioner as well
as the learned Addl.P.P. for the State.

2. This application has been filed for quashing of the order dated 20.07.2022, passed by the court of the Learned Additional Sessions Judge-XIII, Patna in Sessions Trial No. 424 of 2017, arising out of Ram Krishna Nagar P.S. Case No. 19 of 2015, G.R.No.- 624 of 2015 by which the prayer for altering the charge from the Section 302/34 I.P.C into Section 306/34 I.P.C. was rejected.

3. Learned counsel for the petitioner has submitted that though the case was registered under Section 302/34 of the IPC, but during investigation the material was found for commission of the offence punishable under Section 306 of the IPC. The learned Magistrate has also taken cognizance under



Section 306 of the IPC but vide the order dated 22nd May, 2018, the learned court below has framed charges against the petitioner under Section 302 of the IPC. Which is not proper. A petition to alter the charges from Section 302 to 306 of the IPC was filed by the petitioner on 17.02.2022. By a detailed order, the learned court below rejected the petition by mentioning therein that the petition for altering charges was filed after four years of framing of the charges. Meanwhile, the prosecution witness no. 1 has been fully examined and cross-examined. Considering these facts, the learned court below has rejected the petition filed on behalf of the petitioner.

4. Impugned order shows itself that the petition for altering the charges was filed after four years of framing of the charges. The learned counsel has submitted that the delay was caused due to spread of COVID-19. The reason given by the learned counsel for delayed filing of petition does not appear creditworthy.

5. Considering the above-mentioned facts and circumstances, this criminal miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

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