



Crl.O.P.No.4634 of 2024

N.ANAND VENKATESH,J.,

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The petitioner has questioned the order passed by the Court below altering the charges in exercise of its powers under Section 216 of Cr.P.C., by adding Section 149 of IPC.

2.The learned Senior Counsel appearing on behalf of the petitioner submitted that the Court below came to a conclusion to alter the charges only based on the evidence of PW5. However, the Court below failed to take note of the deposition of the Investigation Officer who was examined as PW6. Wherein, he had categorically stated that under Ex.P10 Mahazer, two flex banners were seized and Form 91 was sent on 07.05.2015 to the Court. The learned Senior Counsel submitted that there is absolutely no indication to come to a conclusion that the case falls within the ambit of the third limb of Section 141 of IPC.

3.The learned Government Advocate who took notice on behalf of the respondent seeks time to make his submission.



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SSR

4.Post this case under the same caption on 05.03.2024. The Court below is directed to keep the proceeding in abeyance till then.

29.02.2024

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