

Omprakash Vs. the State of Rajasthan.

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Court : Rajasthan

Decided On : Jul-18-2011

Judge : Narendra Kumar Jain, J.

Acts : Code Of Criminal Procedure (CRPC) - Section 397, 216

Appeal No. : Case No. CRLR 011366 of 2010

Appellant : Omprakash

Respondent : The State of Rajasthan.

Advocate for Def. : Ms. Rekha Madnani, Adv

Advocate for Pet/Ap. : Mr. Nagesh Soral, Adv

Judgement :

1. Heard learned counsel for the parties.
2. Accused-Petitioner has preferred this revision petition under Section 397 Cr.P.C. challenging impugned order dated 07.07.2010, whereby his application under Section 216 Cr.P.C. for alteration of charge framed against him was dismissed.
3. Learned trial court, while dismissing the application, has observed that a detailed order was passed on 20.07.2009, whereby charge was ordered to be framed. It is relevant to mention that order dated 20.07.2009, framing charge, was

challenged by the petitioner before this Court in S.B. Criminal Revision Petition No. 1330/2009, but the same was dismissed as withdrawn with liberty to move an application under Section 216 Cr.P.C. in the trial court, therefore, the petitioner moved an application in the trial court under Section Section 216 Cr.P.C., which has been dismissed vide impugned order.

4. Learned trial court has referred the injury sustained by injured, i.e. on chest-left side, by knife, therefore, trial court was of the view that no ground is made out to alter the charge in the facts and circumstances of the present case.

5. Learned counsel for the petitioner is unable to point out any illegality or perversity in the impugned order, so as to interfere with the same, therefore, I do not find any merit in this revision petition and the same is, accordingly, dismissed in limine.

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