

MHLA010003032023



Sessions Case No.11/2023
State of Maharashtra Vs
Shakeel alias Sajan
Valimahamad Shaikh & others

ORDER BELOW EXH.1

Upon considering the record of the case and the documents submitted therewith and after hearing the submissions of accused and prosecution in this behalf, I am of an opinion that the charge framed against accused vide Exh.23 is not properly worded as per the requirement of law. Charge under Section 326 of IPC and for offence under Section 4 R/w. 25 of Indian Arms Act and Section 37 (1) (3) under Section 135 of Maharashtra Police Act have not been framed though attracted in view of the allegations made in the police report / FIR.

Section 216 of Cr.P.C. empowers a Court to alter or add a charge. But it does not permit deletion of a charge already framed. As per authority of *Hon'ble Apex Court in case of Directorate of Revenue Intelligence Vs. Raj Kumar Arora and Ors. MANU / SC / 0500 / 2025, 2025 INSC 498*, it has been made clear that a charge once framed cannot be deleted. Hence, in view of the above reasons the charge framed vide Exh.23 needs to be amended and additional charge under Sections 326 of IPC, under Section 4 R/w. 25 of Indian Arms Act and Section 37 (1) (3) under Section 135 of Maharashtra Police Act needs to be framed.

Date : 16.02.2026

Sd/-
(R.B. Bhagwat)
Additional Sessions Judge -2,
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