

ORDER BELOW EXH.96

The prosecution has filed the present application under section 216 of Cr.PC. for alteration of charges. It is contended by the learned APP that prosecution has examined two witnesses till now. Out of them, informant Namdeo has deposed in his examination-in-chief vide Exh.94 that, accused caused him grievous injury by means of knife. PW2 deposed that, accused caused grievous injury to Namdeo Mane. The injury certificate of Namdeo Mane filed with charge-sheet states the injury of Namdeo as grievous one. However, neither final report under section 326 is filed nor charge under section 326 is framed by the Court vide Exh.44. Hence, he prayed to alter the charge.

02. The say of accused was called for. Accused filed their say on backleaf of the application and thereby resisted the same on the ground that, the alleged offence had been committed in the year 2012 and after due inquiry, investigating officer had filed charge-sheet. The trial of the offence has commenced and till examination of two witnesses, prosecution has not moved the present application therefore, at this, prosecution can not pray for altering the charges hence, application is required to be rejected.

03. Heard both the sides at length. Perused the final report and other documents on record. On perusal of final report and medical certificate of Namdeo Mane, it reveals that informant Namdeo Mane

had sustained grievous injury in said incident and he is also examined by the prosecution. Further, on perusal of charge it reveals that the accused cause grievous hurt to the informant by means of knife. Considering facts, documents on record and deposition of witnesses, and nature of injury caused to witnesses as mentioned in his injury certificate, it is necessary to alter the charge. No any prejudice would be causes to the accused if application is allowed as accused have all the opportunity to cross-examine the concerned witnesses to that effect. Hence, following order:

ORDER

1. Application at **Exh.96** is allowed.
2. Charge framed at Exh.44 be altered accordingly.

Date:- 12.12.2024

(Husna R. Khan)
Judicial Magistrate First Class,
Court No.2, Bhoom.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of Stenographer	...	N. V. Koli Stenographer Grade-III
Name of Court	...	JMFC, Court No.2, Bhoom.
Order Date	...	12-12-2024
Order signed by the Presiding Officer on	...	12-12-2024
Order uploaded on	...	13-12-2024