

**C. CASE NO. 377/2021**

**CIS NO. 377/2021**

**Order dated 28-10-2025:**

Today is fixed for evidence.

Accused person is absent and Ld. Counsel for the accused persons has filed a petition u/s 317 Cr.P.C to represent her and not to challenge her identity.

Complainant is present and files hazira.

Heard Ld. Counsel for both sides in full.

Petition u/s 317 Cr.P.C is allowed.

At this stage, Ld. Counsel for both parties draw my attention to order dated 06-01-2025 and submit that this case is u/s 494 of the IPC and evidence before charge has not been adduced but charge was framed by mistake. Ld. Counsels pray for passing necessary order.

I have perused the case record from where it appears that the case was fixed for plea since 07-11-2023 and on 06-01-2025 charge was framed. The record reveals that cognizance in this case was taken for commission of offence u/s 494 I.P.C which is warrant triable in nature. Accordingly, charge was framed without adducing evidence before charge by inadvertence. The said order being passed by mistake and on admission of both sides, I find that the same should be recalled.

As such, the **order dated 06-01-2025**, framing of charge being done by mistake at the face of the record, **stands recalled.**

The case is accordingly fixed for **evidence before charge.**

The complainant is present and therefore he is examined-in-full as PW1 and his cross-examination before charge is declined.

Ld. Counsel for the complainant files a petition praying for adducing further evidence. The petition stands allowed.

Fix **11-03-2026** for evidence of PW2 before charge.

Complainant to produce his witness.

Dict. & Corrected

**S/d-**

JM 2<sup>nd</sup> Court DDH.

**S/d-**

JM 2<sup>nd</sup> Court DDH.  
(JO Code: WB01293)