

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr. Misc. No.20913 of 2009

1. Surendra Gope son of Dangal Das,
 2. Bindeshwari Gope son of Late Ramanandan Gope,
 3. Pappu Gope son of Suresh Yadav,
 4. Ranjan Gope son of Bhattu Das, &
 5. Sugamber Gope son of Ishwar Das
- All resident of village- Fatehpur, P.S. Parwalpur, District- Nalanda

...Petitioners

Versus

1. The State Of Bihar &
2. Dharmendra Kumar son of Ashok Tiwari, resident of village- Fatehpur, P.S. Parwalpur, District- Nalanda

...Opposite Parties

2/

30.06.2011

Heard the parties.

The petitioners seek quashing of the order dated 08.04.2009 passed by the 2nd Additional Sessions Judge, Hilsa, Nalanda, in Cr. Revision No. 56 of 2008, by which he has affirmed the order dated 02.06.2008 passed by the Judicial Magistrate, 1st class, Hilsa, in connection with Parwalpur P.S. Case No. 31 of 2002 (G.R. No.157 of 2002) by which he had amended the charge.

It has been submitted that the police has not submitted charge sheet under sections 386 and 365 Indian Penal Code nor was cognizance taken under the said sections and, therefore, amending the charge after examination of six witnesses on behalf of the prosecution is, prima facie, illegal.

In my view, it is the law that court at any stage of trial can amend the charge. Finding no merit in the application, the same is dismissed.

The Trial Court is directed to expedite the trial and conclude it positively within a period of six months from the date of receipt/production of a copy of this order.

JA/-

(Anjana Prakash,J.)