Ramji Ojha Vs State of U.P.

Court: Allahabad High Court

Date of Decision: Nov. 2, 2000

Acts Referred: Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 â€" Section 3(1)

Citation: (2001) 1 ACR 552

Hon'ble Judges: Krishna Kumar, J

Bench: Single Bench

Judgement

Krishna Kumar, J.
This revision has been filed against the order dated 29.8.2000 passed by the I Ind Additional Sessions Judge, Ballia in

State v. Ramji Ojha, S.T. No. 194 of 1995, whereby the application moved by the revisionist for amendment of charge was rejected.

2. Heard learned Counsel for the parties.

3. The learned Counsel for the revisionist contended that the Court is empowered to amend the charge at any stage and, therefore, the Court

below committed illegality in not considering the application of the revisionist that the charge u/s 3(1)(x) of S.C. and S.T. Act is not made out. I

have perused the order of the Court below. The learned Sessions Judge has not considered the application on merits rather it was stated that when

the date was fixed for framing of the charge, no objection was raised by the accused that the charge u/s 3(1)(x) of the S.C. and S.T. Act was not

made out. The learned Sessions Judge has stated that the case was fixed for evidence and during that stage, the application was moved for

amendment of the charge. The Court below has not gone into the merits of the case. The case file is not before this Court and the facts can be

looked into only by the Court below. It is a fact that the Court below has not looked into the prima facie evidence on this point. The Court below

can look into this fact at any stage and can amend the charge itself even if no objection was raised at the time of framing of charge.

4. In view of the above facts, the impugned order dated 29.8.2000 is set aside and the learned Additional Sessions Judge concerned may

reconsider the application dated 10.8.1999 of the accused-revisionist and, if necessary, may itself amend the charge.

5. The revision is accordingly disposed of.