1. WHAT IS A CHARGE? The term "charge" is defined in section 4(c) and includes any harden charge contains more heads than one. A change is

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2. DEFECTIVE CHARGE

Sections 324, 235, 236, and 239, Cr.P.C. mentioned as exceptions in the section are not mutually exclusive but can supplement each other. Charge framed in contravention of mandatory provisions of the section would be illegal and though no failure of justice might have thereby occasioned, it would not be one which could be condoned under 8. 537, Cr.P.C.

Conviction based on a defective charge is against the mandaton requirement of section 222(1), Cr.P.C. and causes prejudice to the case. Case split up into fifteen special cases besides the main one. Acquittal on first account proceedings in other trials illegal.5

If any person is misled in his defence by the absence of any charge or m error in the charge, a retrial is to be ordered.6

Right of defence, no doubt was the essence of a criminal trial and accused was entitled to adequate opportunity of defence and the framing of the charge was one of the steps in that direction as it would put accused on notice at initial stage

AIR 1967 Cal. 478.

²⁰⁰⁵ PCr. L.J 489; 2004 PCr.LJ 397.

¹⁰⁹⁶ MLD 2477; AIR 1944 Bom. 206. 1997 PCr. L.J 1663.

PLD 1971 Dacca 56. 1992 MLD 1253