

23. SAME TRANSACTION, CONNOTATION OF

The test employed by the Courts for determining whether separate offences committed in course of the same transaction is whether they are connected together by (i) proximity of time and place; (ii) community of purpose and design and (iii) continuity of action. The two last are essential elements while the first is alone insufficient for a joint trial. Where two or more persons, being animated by common purpose, do certain acts constituting different, in the sense of not being the same offences, and there is continuity in their action, the various acts done by them in pursuance of that particular and in view, even though some of them may be merely accessory thereto, i.e., to the end in view, shall be regarded as forming one single transaction.⁹³

If several persons conspire to commit offences, and commit over act in pursuance of the conspiracy, these acts are committed in the course of same transaction which embraces the conspiracy and the acts done under it. The common concert and agreement which constitute the conspiracy, serve to unify the acts done in pursuance of it.⁹⁴

24. OBJECT AND PURPOSE OF CHARGE

The main object of framing of charge is to ensure that the accused has sufficient notice of the nature of accusation with which he is charged and secondly to make the Court concerned conscious regarding the real points in issue to that evidence could be confined to such points. The charge must allege all facts which are essential factors of the offence in question but no yardstick can be fixed *qua* the particulars which should be mentioned in the charge as it depends upon circumstances of the case.⁹⁵ The main purpose of framing of charge is to afford the defence an opportunity to concentrate its attention on the case that it is to meet.⁹⁶

Legal requirement in this context would be to provide the particulars of offence with which the accused is charged with certainty and accuracy of facts. When accused person is well aware of allegations which the prosecution wants to prove against him and he knows the substantive charge which he is to meet, the

93. 2002 PCr.L.J 1712.
 94. AIR 1938 P.O. 130.
 95. 2005 SCMR 364
 96. 1992 MD 1253.