

no from the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence. Section 236 lays down that if a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences and any number of such charges may be tried at once; or he may be charged in the alternative with having committed sonic one of the said offences. Section 239 relates to the joinder of persons. It appears that each distinct offence must be tried separately, unless the exceptions mentioned in Sections 234, 235, 236 and 239 can be attracted.<sup>75</sup>

## 19. MIS-JOINDER OF CHARGE

A question of mis-joinder of charge is not a question relating to the jurisdiction of the Court. A mis-joinder of charges is a defect in the mode of the trial, in the procedure to be followed and this does not render the trial itself without jurisdiction for the Trial Court must decide whether the person accused can or cannot be tried jointly in view of the accusations levelled in that particular case. A mere non compliance with the rules of procedure will not amount to an illegal exercise of jurisdiction which can be a ground for grant of writ of *certiorari*.<sup>76</sup> Misappropriation of funds and falsification of accounts formed the same transaction, it was held that joinder of several charges of misappropriation and corresponding charges of falsification of accounts forming more than 3 offences in the same trial is illegal.<sup>77</sup>

Misjoinder of charge. Irregularity. Plea raised by the accused was that the proceedings suffered for misjoinder of charge. Even if it was presumed that the proceedings suffered from misjoinder of charges, the same could be cured under the provisions of S.537, Cr.P.C.<sup>78</sup>

## 20. DIFFERENT OFFENCES AT DIFFERENT TIME

When murder of one and murderous assault on another person occurred at different places and at different times although the same day the offences cannot

75. 1970 DLC 939.

76. PLD 1961 Dacca 155.

77. PLD 1963 Dacca 494.

78. 2008 SCMR 787(b)