

4. SPECTRUM OF A CHARGE

Spectrum of a charge should be such that all eventualities and exigencies till the conclusion of trial can be met with the caution so that no prejudice is caused to the accused. Court for the purpose of a just and fair trial is duty bound to frame the charge on the basis of the material placed before it before making deeper appreciation of such material.¹²

Charge was precise formation of specific accusation made against a person who was entitled to know its nature at the early stage.¹³

5. REQUIREMENT FOR A VALID CHARGE

The requirement of law under this section is that a charge should state the offence committed by the accused and mentioned the specific name of the offence if any specific name has been given to it by law.¹⁴ Charge not giving full notice vitiates whole trial.¹⁵

While framing charge under section 420, P.P.C. Trial Court had not mentioned the manner in which the accused had cheated the complainant. Date of occurrence was also wrongly mentioned in the charge. Charge framed against the accused must have contained all material particulars as to time, place, specific name of the offence manner in which the offence was committed and the particulars of the accused, in order to afford them opportunities to explain the matter with which they were charged and to prepared their defence at the commencement of the trial. Trial Court in not framing the charge according to section 222, Cr.P.C. had committed material error, whereby accused had been misled which had occasioned failure of justice. Impugned judgment was set aside accordingly and the case was remanded to Trial Court for decision afresh on merits in accordance with law after framing a valid charge.¹⁶

6. SAME OFFENCE, CHARGE OF

The expression "same offence" used in Section 403, Cr.P.C. means same

12. 1993 PCr L.J 1220.

13. 2006 YLR 359.

14. PLD 1967 Dacca 528.

15. 1994 MLD 1493.

16. 2007 PCr.L.J 799.