



Magistrate failed to apply his judicial mind and cognizance taken by him is against the law.

Admittedly, FIR was registered; matter was investigated; report was submitted under Section 173 Cr.P.C., thereafter learned trial Judge while examining the report accorded the same and the case was sent up for trial. Grounds raised by learned counsel cannot be considered at this stage. With regard to addition of any section by the Magistrate would be immaterial as trial court would be under legal obligation to frame charge as per contents of statements and FIR to establish the case. Accordingly, present Crl. Misc. Application is dismissed alongwith listed applications. Applicants would be at liberty to file application under Section 249-A/265-K Cr.P.C before the trial Court in accordance with law.

J U D G E

Sajid