**Subject Name:** Code of Criminal Procedure
**Topic Name:** Framing of Charges

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## Introduction

A charge holds significant importance within criminal proceedings, serving as the pivotal juncture that transitions from inquiry to trial. While Section 2(b) of the Code defines a charge, it doesn't precisely delineate its nature.

Legally, a charge can be construed as a precise articulation of a specific accusation levelled against an individual for an alleged offence.

The primary objective of a charge is to apprise the accused of the allegations with utmost clarity and brevity. Sections 211-214 of the Code provide explicit guidelines on the formulation of a charge, emphasising its critical role in criminal trials.

Crafting a proper charge demands meticulous attention from the presiding judge, as it sets the foundation for the entire trial process. The prescribed formats for charges are outlined in the Second Schedule of the Code.

Comparable to the indictment in English law, the charge-sheet transcends mere procedural formalities. Its purpose extends beyond formality; it serves to alert the accused to the specifics of the case against them.

Consequently, a charge isn't a vague accusation but a concrete assertion. As stated by the Privy Council, "The necessity of a system of written accusation specifying a definite criminal offence is of the essence of criminal procedure."

## Contents of Charge

The statutory provisions under Sections 211-214 lay down the essential components of a valid charge:

**1. Statement of Offence:** The charge must expressly state the offence for which the accused is being charged.

**2. Specific Name of Offence:** If the law creating the offence provides a specific name, the charge must describe the offence using that precise name.

**3. Description of Offence**: In the absence of a specific name, the charge must include enough of the offence's definition to inform the accused of the nature of the accusation.

**4. Mention of Relevant Law:** The charge should specify the law and the section of the law allegedly violated by the accused.

**5. Language of the Court:** The charge must be written in the language accepted by the court.


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Additionally, Section 211(5) establishes that the act of charging implies a statement that all legal prerequisites necessary to constitute the offence were fulfilled in the specific case. Moreover, if the accused has prior convictions that are pertinent to the current case, including the fact, date, and place of such convictions in the charge is required. However, even if this statement is initially omitted, the court retains the authority to include it at any point before sentencing (Section 211(7)).

The overarching objective behind framing a charge is to afford the defence a clear understanding of the case it must address. Hence, if a charge is vague to the extent that it fails to highlight the essential elements of the offence, it would be deemed defective. The impact of any omissions in the charge sheet on the accused's conviction will vary depending on the particulars of each case.

## Particulars As To Time and Place

Section 212 further stipulates that the charge should include specific details regarding the time and place of the alleged offence, as well as any individuals involved or items affected by the offence. These particulars should be reasonably adequate to provide the accused with a clear understanding of the allegations against them.

Furthermore, in cases where the accused is charged with offences such as criminal breach of trust or dishonest misappropriation of money or movable property, it suffices to specify the total amount involved or describe the property in question, along with the period during which the offence allegedly occurred. However, this period should not exceed one year between the earliest and latest dates (Section 212(2)).

The purpose of this section is to ensure that the accused is furnished with comprehensive details regarding the accusation levelled against them. For instance, a charge for house-breaking and theft would be considered defective if it fails to specify the stolen items, the name of the property owner, or the location of the offence.

However, in cases like adultery, where pinpointing precise dates of the alleged offence may be challenging, it suffices to specify a range of dates between which the offence is purported to have occurred. Failure to provide precise particulars may not necessarily invalidate the charge, especially when exact details are impractical or unavailable.




## Manner of Committing the Offence

Section 213 specifies that if the particulars provided under Sections 211 and 212 are insufficient to afford the accused adequate notice of the accusations against them, the charge must additionally include details regarding the manner in which the alleged offence was committed. These additional

particulars should be sufficient to ensure that the accused comprehends the nature of the charges brought against them.

## Effect of Errors in Charge

Section 215 of the Code establishes an important principle regarding errors in the charge. It states that an error in stating the offence or any other necessary particulars in the charge, as long as it doesn't entail an omission to state the offence or such particulars, shall not be deemed material at any stage of the case, unless the accused was genuinely misled by such error or omission, resulting in a failure of justice. In essence, unless the accused has been misled to the extent that it leads to a miscarriage of justice, minor errors in the charge will not be considered significant throughout the proceedings.

## Landmark Cases on Charge Framing

### State v. Anup Kumar Srivastava, (2017) 15 SCC 560

Framing of charge is the first major step in the criminal trial where the court is expected to apply its mind to evidence placed before it and consider the possibility of discharging the accused or requiring him to face trial. At the stage of framing of charge the trial court is not to examine and assess in detail the materials produced by prosecution or sufficiency of material to establish offence alleged. Where the court finds that there is ground for presuming that the accused has committed offence, it shall frame the charge. This presumption is not the presumption of law as such.

At this stage there cannot be a roving inquiry into the pros and cons of the matter.

### V. C. Shukla v. State, AIR 1980 SC 962

The charge serves as a purpose of notice or intimation to the accused, giving a clear and unambiguous notice of the nature of accusation. It is to enable the accused to have a clear idea of what he is being tried for. It is an important step in criminal trial and it separates the stage of inquiry from trial.

### Jaswinder Saini v. State (Govt, of NCT of Delhi) (2013) 7 SCC 256

The Code gives ample power to the court to alter or amend a charge whether by the trial court or by the appellate court.