



Cr.P.C, S. 397(2) or 482 - Order framing charge - interlocutory order - Order framing charge may not be held to be purely a interlocutory order and can in a given situation be interfered with under Section 397(2) Cr.P.C. or 482 Cr.P.C. or Article 227

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Cr.P.C, Section 397(2) or 482 Cr.P.C. - Constitution of India, Article 227 - Order framing charge - interlocutory order - Order framing charge may not be held to be purely a interlocutory order and can in a given situation be interfered with under Section 397(2) Cr.P.C. or 482 Cr.P.C. or Article 227 of the Constitution which is a constitutional provision but the power of the High Court to interfere with an order framing charge and to grant stay is to be exercised only in an exceptional situation - High Court has [jurisdiction](#) in appropriate case to consider the challenge against an order framing charge and also to grant stay but how such power is to be exercised and when stay ought to be granted needs to be considered further - Thus, even though in dealing with different situations, seemingly conflicting observations may have been made while holding that the order framing charge was interlocutory order and was not liable to be interfered with under Section 397(2) or even under Section 482 Cr.P.C., the principle laid down in *Madhu Limaye*, (1977) 4 SCC 551 still holds the field -

[ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. V. CENTRAL BURUEAU OF INVESTIGATION, 2018 S CeJ 688](#)

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