

CrPC S. 227, 300(1) - Discharge under Section 227 Cr.P.C. is a stage prior to framing of the charge under Section 228 Cr.P.C. and it is at that stage alone that the court can consider the application under Section 300 Cr.P.C..

Held, Discharge application filed under S. 227 r/w S. 300(1) Cr.P.C. – Application dismissed by Trial Court

observing that such an objection can be raised at the stage of framing of charge and not discharge – Trial Court has erred in not considering the application under Section 300(1) Cr.P.C. at the time of framing of charge and/or prior to framing of the charge – Such exercise was required to be done at a stage prior to framing of charge and if ultimately the court comes to the conclusion overruling the objection of Section 300(1) Cr.P.C. and on facts satisfies then it may frame the charge as provided under Section 228 Cr.P.C.

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