

submitted that there is prima facie material to frame charge under Section 326A IPC against the revisionist. One co-accused Jamaluddin @ Raju has been convicted under Sections 326A and 506 IPC and on 17.09.2021 rigorous imprisonment for 10 years has been awarded to the co-accused.

5. Section 326A IPC lays down that "*whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, shall be punished with imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment.*"

6. Learned counsel for the revisionist emphasizes only on the point that as there is no grievous hurt on the body of the victims so charge under Section 326A IPC is not made out. But from the reading of the Section 326-A IPC, it reveals that nine "OR" has been used which shows that for the charge under Section 326A IPC can be framed without grievous hurt to the victim. But grievous hurt to acid burn victim, is not mandatory in each case. Nine "OR" has been used to show that in case of permanent or partial damage, deformity, burns, maims, disfigures, disables any part of the body of the person, or by administering acid to that person, charge under Section 326A IPC should be framed in such situation. Thus, the submission of the learned counsel for the revisionist has no force.

7. The injury report of the victim Gulshan Bano shows that there are following injuries on the body of victim dated 19.05.2014 :

1. *Reddish black injury over lt. cheek 2x2cm, 2cm medial to lt. ear.*

2. *Reddish black injury in the area of lateral surface of lt. forearm in the area of 10cmx6cm.*

3. *Burning sensation over lt. side of chest (in bra region)*

8. Above injuries are caused by acid burn. Duration fresh informed police.

9. Smt. Reshma Bano 18 years female has received following injuries :

1. *Reddish black burn injury over face and neck. Burn sensation present.*

2. *Reddish black burn injuries and on the medial side of lt. upper arm in the area of 8cm.* 10. Above injuries caused by acid burn. Duration fresh informed police. From the medical report, it appears that injured had sustained burn acid injury.

11. The provisions relating to charge are intended to provide that the charge shall give the accused full notice of offence charged against him. The purpose of a charge is to tell the accused person as precisely and concisely as possible of the matter with which he is charged and must convey to him with sufficient clearness and certainty, what the prosecution intended to prove against him. At the time of framing of charge, the court is not required to screen evidence or to apply the standard whether the prosecution will be able to prove the case against the accused at the trial. The Court shall consider only the material placed before it by the Investigating Agency. Court has to see only prima facie case against the accused. Charge can be framed even on the basis of strong suspicion founded on material before the Court.

12. On the basis of above discussion, this Court is of the view that trial court has passed a legal order, there is not manifest error or material irregularity in the impugned order. There is prima facie evidence material against the revisionist to frame charge against the revisionist under Section 326A IPC also and in such circumstances applicant is not liable to be discharged.

13. Thus, this criminal revision has no force and is **dismissed, accordingly.**

14. Learned Trial Court is directed to frame charge against the revisionist and make endeavor to conclude the trial expeditiously, if there is no legal impediment.
