

A.P. Residential and Non Residential Premises Tenancy Act, 2017 mandates that lease agreement shall be in writing and it must be registered or notarized with the Notary Public, notwithstanding anything contained in this Act or any other law, for the time being in force, irrespective of lease tenure. Now the point for consideration is which Act, prevails, whether the Transfer of Property Act or the A.P. Residential and Non-Residential Premises Tenancy Act?

As per Sections 32 and 33 of the A.P. Residential and Non Residential Premises Tenancy Act, the Rent Court, Rent Tribunal and the Rent Authority shall give due regard to the provisions of the Transfer of Property Act, in deciding the applications relating to tenancies.

Conclusion:

It seems that the State Government has

made the A.P. Residential and Non-Residential Premises Tenancy Act, by mere borrowing the copy of Model Tenancy Act, 2015, forwarded by the Ministry of Housing and Urban Poverty Alleviation (HUPA), Government of India to have financial access from the Government of India, without taking into consideration of the interest/ fate/ rights of the financially weaker sections of the tenants. No doubt financial access from Government is required/desirable but at the same time rights/welfare of the weaker sections of the tenants, also be taken into consideration, as it is a social welfare legislation. Further I humbly appeal to the State Government to take immediate steps to constitute Rent Authorities, Rent Courts, Rent Tribunals, enabling the litigant public to have access for the justice.

(This article is contributed out of, mere academic interest).

FRAMING OF CHARGES

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The word trial is not defined under Criminal Procedure Code 1973 or in Old Cr.P.C. But authoritative precedents clarify that trial begins soon after framing of charge around which the evidence will be recorded to decide a case. Hence framing of charge, is a vital step in all criminal cases and no prejudice is expected to be caused either to accused or victim to guarantee their fundamental freedom under Constitution of India.

A free and fair trial is the concept of Indian Constitution. Hence framing of charge has got much significance in the eye of criminal jurisprudence. Framing of charge

under Cr.P.C. is to be done while giving an opportunity to both victim and accused in a case is the purport and true intendment of Legislature.

It is the duty of the Investigating Officer and Public Prosecutor to bring all the relevant material into the knowledge of the Court to frame an effective charge. Any sort of dereliction of duty will defeat the ends of justice of the trial. In addition to this a significant responsibility is cast upon Trial Courts while framing of charge. The definition of charge in Cr.P.C. defines that any head of charge when a charge contains

more heads than one. *Chapter-XVII of the Code of Criminal Procedure 1973 deals with charge. It contains Sections 211 to 224 in Cr.P.C. here it is pertinent to peruse the content of charge:*

Section 211 Cr.P.C. deals with the contents of the charge.

Even Supreme Court does not interfere with framing of charge of Trial Court, since accused can make all submissions in trial. 1983 SCC (Cri.) 394.

Defect-in-charge if noted at late stage, plea of prejudice caused to accused is not entertained by Supreme Court.

AIR 1963 SC 666

It is further held that only vague charge without particulars will cause prejudice to accused.

1982 Cri. LJ 1305.

What a charge shall contain is described in Section 212 Cr.P.C.:

The time, place where the offence took place, against whom it is committed are essential ingredients of a lawful charge. The intention of the Legislature is to give a detailed notice to accused for which, he/she has to face trial. It is not just a prior lawful notice or bringing a fact into the notice or knowledge of accused. At the same time the rights of victims have to be safeguarded.

Providing obvious idea to accused on which crime he/she will be tried is the true intendment of the Legislature incorporating this section, but here it is also necessary to see the plight of victim to frame a charge since punishment also rests on it. *Victimology* is the new concept came into existence since the origin of the society. In this concept NALSA has announced many compensation packages to build confidence in them after trials to victims, to meet the arising situations

in the society after case is being disposed off totally.

The social stigma in dowry death case, rape case, outraging of modesty cases, bigamy, dowry harassment *etc.*, are deplorable. Since evidence rotates around charge, due care and caution is to be taken by Judges while framing of charges. There shall not be any ambiguity in contents of charge for ensuring a free and fair trial. It was well settled law that a mere left over or omission or mistake-in-charge is not a ground to throw the case of the prosecution.

P. Yellappa v. State of Andhra Pradesh, 1995 (1) ALT (Cri.) 558.

Charge can be altered at any time:

Discretionary power is vested with the Court to alter a charge on noticing relevant material at any time before judgment is pronounced. The power of the Court shall be used with judicious mind to render justice basing on the facts of the case. Narration of facts of the case is very important and an opportunity of being heard is to be given to the Counsel of accused to arrive to a conclusion prior to framing of charges. Court can alter or amend charge at any time.

Landmark judgment:

Kantilal Chandulal Mehta v. State of Maharashtra, reported in All Indian Reporter Law Journal in 1970 Supreme Court of India at Page Number 359. *His Lordship Shri Justice P. Jaganmohan Reddy delivered this landmark decision on alteration or amending of charge.* It is decided on a Special Leave Application assailing against the order of High Court of Bombay, dated 18th October, 1968 in which the request made by the Counsel orally was considered. A draft submitted to the Court is being considered and it was made by High Court of Maharashtra. At Para Number 04, it was held by the Apex Court that any time charge can be altered and the steps to be invoked are also narrated.