

Prabhu Dayal Agarwal and Others

Vs

Murari Lal Agarwal

Criminal Appeal No. 67 of 1981

(V.D. Tulzapurkar, D. Chinnappa Reddy JJ)

27.01.1981

JUDGMENT

TULZAPURKAR, J. -

1. Special leave granted.

2. After hearing counsel on either side we are satisfied that this is not a case where a charge against the appellants for unlawful assembly and rioting could be framed. If at all the appellants could be charged for the individual acts and if material warrants Section 34 might be invoked. Accordingly the charge framed by the Magistrate is set aside and the matter is remanded to the Magistrate concerned to frame a proper charge.

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