

To  
The Chairman  
Thesis Defence Committte  
Department of law  
Stamford University Bangladesh.

Sir,

I have the honour to state that Fahamida Sharwar of the Siddeswari campus bearing ID. LL.B 03005928 has completed her thesis and she is ready to face the viva. As such, a date for her viva be kindly fixed by your honour.

Sincerely yours

Khundker Emdadul Hassan  
Asst Professor  
Department of Law  
Stamford University, Bangladesh.

## **DECLARATION**

I (Fahamida Sharwar), the student of LL.B (Hon's) 30th d bearing ID. No 03005928 hereby solemnly declare that, the presented thesis paper has been performed by me and the thesis paper has not been submitted anywhere.

I declare that this has been carried out by me and the same has not previously been submitted to any other university/collage/organization for any academic qualification/certificate/diploma degree.

I warrant that the presented thesis paper does not breach any copyright.

Date: 28-02-2010

Fahamida Sharwar

ID-LL.B.03005928

Batch-30th D

Stamford university Bangladesh

## **DEDICATION**

This thesis is hereby dedicated to my beloved Father and Mother.

## **ACKNOWLEDGEMENTS**

First of all I would like to express my gratitude to almighty Allah, whose invisible guidance helped me to complete this report. While doing my thesis I have received help from a number of people. Although the assigned time was very limited for getting sufficient knowledge about all of the assignment, I tried my best to include almost every issues relating to my topic. I take the opportunity to express my deep sense of gratitude to my supervisor Khundker Emdadul Hassan for his important suggestions and guidance during the period of working on the thesis and he has greatly inspired me to preparing this report successfully.

I want to express my deep gratitude to my parents & all wishers whose enormous helps assists me to complete this report.

Fahamida sharwar

L.L.B 30thD

ID:03005928

Department of law.

## **ABBREVIATIONS**

A.D :Appellate division.

Art :Article.

A.I.R :All India Report.

B.L.D :Bangladesh legal Decision.

B.L.C :Bangladesh Law Chronicles.

Ch :Chapter.

Cl :Clause.

Cls :Clauses.

CR.P.C :Code of Criminal Procedure.

D.L.R :Dhaka Law Reports.

D :Defendant.

H.C.D :High court division.

P :plaintiff.

P : page.

PC :penal code 1980.

Sec : Section.

Secs : sections.

S.C :Supreme court.

VOL :volume.

## TABLE OF CASES

<i>Aslam Jahangir v state.5 (1986) BLC 514.</i>	12
<i>Ah. Akbar Khan v State 34 (1982) DLR (HC) 95.</i>	14
<i>Abdul Awal Khhan v State 12 (1960) DLR (HC) 100.</i>	15
<i>Abdul Matin v SDM 13 (1961) DLR (AD) 313.</i>	26
<i>State v Azhar Gazi 23 (1971) DLR (HC) 91.</i>	26
<i>Shawai alias Mohammad Hossain v State.41 (1990)DLR 373.</i>	16

## FOREWORD

Miss Fahamida Sharwar has worked with the thesis under my supervision for more than 4 months. She submitted the paper after due works done with care and diligence. It took her extra time in order to submit the thesis paper. After going through the thesis paper I hopefully can say that she could express her ideas properly under my guidance consulting the books mentioned in the book reference. I hope that the thesis paper will duly be accepted.

# CONTENTS

	<b>Page</b>
<b>Abstract</b>	X
<b>Chapter 1</b>	
<b>Introduction</b>	1
<b>Chapter 2</b>	
<b>Charge to state offence</b>	
2.1 Necessary things to state offence in alteration of charge	2
2.2 Particular to be stated in the charge when altered	2
2.3 Specific offence and its sufficient description	3
2.4 Charge must refer to the law and section	4
<b>Chapter 3</b>	
<b>What implied in charge</b>	
3.1 Implication and language of charge in alteration	5
3.2 Previous conviction	6
3.3 When charge regarding previous conviction made	6
<b>Chapter 4</b>	
<b>Particular matters for alteration of charge</b>	



4.1 Particulars about time, place and against whom offence was made	7-8
4.2 Things in respect of which offence was committed	8-9

## **Chapter 5**

### **Effect of error in charge**

5.1 Effect of error in framing charge	10-11
5.2 Effect of material error in framing charge	11-12
5.3 Plea of guilty and conviction on plea of guilty	12-13

## **Chapter 6**

### **Alteration of charge**

6.1 Court may alter charge as discretion of Court	14-15
6.2 When trial may be made after alteration	15-16
6.3 Distinct Charge	16- 21

## **Chapter 7**

### **Joinder of charge in alteration**

7.1 What is distinct offence and which are not distinct offence	22-23
7. 2 Separate charges for distinct offence	24-25
7.3 Three offences of the same kind within one year may be charged Together	25-27

## **Chapter 8**

References

**ABSTRACT**

Alteration of charge is defined as a precise formulation of the specific accusation made against a person who is entitled to know the nature of the offence leveled against him. The purpose of alteration of charge is to ensure the accused to have full knowledge on the statement brought against him. The same should be a concrete accusation alleged to have been done by the person. Alteration of charge means reading the offence against the accused by altering the same by the court against the man facing trial. The same should be done from reading the c/s and F.I.R. Charge should contain material allegations against the offender. In all cases charge is the threshold of trial. Alteration of charge is necessary to amend the earlier charge in order to fix right liability upon the accused and to ensure justice. So the same should be done paying specific attention to time, Place, and manner of the commission of offence. In altering charge particular points should be mentioned and the same should be read over to the accused. When the same is not duly done trial is vitiated. All charges should be read over to the accused. So the accused should know which point should be added or deleted. An accused should not be tried without letting him to know the portion of alteration or part amendment of the charge and the altered charged must be read over to the accused and he should not be tried in darkness.



