**Application section 319 of CrPC, 1973, to add accused during trial**

BEFORE THE METROPOLITAN MAGISTRATES / MAGISTRATES COURT AT \_\_\_\_\_\_\_

OR

HON’BLE SESSIONS COURT AT \_\_\_\_\_\_

C.C. No. ……….. of 20\_\_\_

ABC                                                                            Applicant /

                                                                                  Accused No.1

Versus

The State of Maharashtra

(through XYZ Police station)

Charges u/ss \_\_\_\_\_\_\_\_\_\_\_

APPLICATION U/S 319 of CrPC, 1973

MAY IT PLEASE YOUR HONOUR

1.      The Applicant states that I have caused to register an FIR before \_\_\_\_\_\_\_\_ Police Station and was registered as C.R.No. \_\_\_\_\_ of 20\_\_\_.

2.      Thereafter the Police have filed the Chargesheet u/s 173(8) of CrPC on \_\_\_\_\_ before the Ld. Magistrates Court \_\_\_\_ at \_\_\_\_\_\_.

OR

1.      The Applicant states that, pursuant to Complaint filed by the Applicant herein u/s 200 of CrpC, 1973, this Hon’ble Court were pleased to take the cognizance of the offence and were pleased to issue Summons / Warrant against the Applicant / accused herein.

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2.      That, during the course of trial, it is revealed that Mr.XYZ and Mr. ZYX are also involved in the offences, and there are incriminating evidence / materials have surfaced against aforesaid persons.

3.      That, Section 319 of CrPC, 1973, empowers the trial Court to proceed against those persons, where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that those persons not being the accused, has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

3.      The Applicant therefore, most humbly prays

a)      The Hon’ble Court be pleased to issue Summons / Warrant against Mr.XYZ and Mr. ZYX

b)      To pass such other and further Order and to grant such further reliefs as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.

FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY FOR.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_\_\_\_, 20\_\_\_

ABC

Applicant

XYZ

Advocate for the

Applicant

**Applicable Sections – 319**

Section 319: Power to proceed against other persons appearing to be guilty of offence

(1) Where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

(2) Where such person is not attending the Court, he may be arrested or summoned, as the circumstances of the case may require, for the purpose aforesaid.

(3) Any person attending the Court although not under arrest or upon a summons, may be detained by such Court for the purpose of the inquiry into, or trial of, the offence which he appears to have committed.

(4) Where the Court proceeds against any person under sub-section (1), then

(a) the proceedings in respect of such person shall be commenced afresh, and witnesses re-heard;

(b) subject to the provisions of clause (a), the case may proceed as if such person had been an accused person when the Court took cognizance of the offence upon which the inquiry or trial was commenced.