

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

767.75 Indictment; certain defects; quashing not allowed; remedy.

Sec. 75. No indictment shall be quashed, set aside or dismissed for any 1 or more of the following defects: (First) That there is a misjoinder of the parties accused; (Second) That there is a misjoinder of the offenses charged in the indictment, or duplicity therein; (Third) That any uncertainty exists therein. If the court be of the opinion that the first and second defects or either of them exist in any indictment, it may sever such indictment into separate indictments or informations or into separate counts as shall be proper. If the court be of the opinion that the third defect exists in any indictment, it may order that the indictment be amended to cure such defect.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17289;—CL 1948, 767.75.

Former law: See section 3 of Act 138 of 1859, being CL 1871, § 7939; How., § 9550; CL 1897, § 11935; and CL 1915, § 15762.