

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.No.2557 of 2013

ORDER:

This Criminal Revision Case is filed questioning the correctness of the order of the learned Special Sessions Judge for S.Cs. and S.Ts (POA) Cases-cum-VII Additional Sessions Judge, Warangal, dated 24.10.2013 passed in Crl.M.P.No.473 of 2013 in S.C.No.8 of 2013.

It is the case of the prosecution that on 03.08.2012 at about 10.00 A.M. the revision petitioner-accused went to the house of the defacto complainant and enquired about her husband and thereafter he abused her in filthy language in the name of her caste, tried to beat her with a foot-wear and also threatened her with dire consequences. Thereafter, the defacto complainant went to Police Station and lodged a complaint with the police, upon which a case in Crime No.105 of 2012 was registered under Sections 506 I.P.C. and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and after completion of investigation, the Assistant Superintendent of Police, Kazipet, filed charge sheet against the accused for the offences punishable under Sections 506 I.P.C. and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The revision petitioner is the sole accused in the aforesaid S.C.No.8 of 2013. He filed the aforesaid Crl.M.P.No.473 of 2013 under Section 227 Cr.P.C. seeking to discharge him from the offences alleged against him on the ground that he is 82-year-old and is unable to move outside without an attendant and that he has been falsely implicated in the case due to civil disputes between him and the family members of the defacto complainant. However, the Court below by order dated 24.10.2013 dismissed the said petition holding that there is sufficient material to proceed against the revision petitioner-accused.

A perusal of the allegations in the charge sheet and other material available on record would clearly reveal a *prima facie* case to proceed against the revision petitioner-accused for the offences punishable under Sections 506 I.P.C. and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The truth or otherwise of the allegations cannot be gone into at the stage of deciding the matter under Section 227 Cr.P.C. and it can only be decided during the course of trial.

Having heard the learned Counsel appearing on either side and upon

perusing the entire material available on record, this Court is of the considered view that the impugned order does not suffer from any illegality or infirmity which calls for interference by this Court.

Accordingly, the Criminal Revision Case is dismissed. However, since the revision petitioner-accused is 82-year-old and is bed-ridden, the trial Court is directed to proceed with the trial of the aforesaid Sessions Case expeditiously without insisting the presence of the revision petitioner-accused on each and every date of adjournment unless it feels that his presence is necessary for any specific purpose.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

22-09-2015
Gsn