

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1965 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 07.08.2015 passed in CrI.M.P.No.427 of 2015 in S.C.No.468 of 2011 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad, whereby the learned Judge dismissed the petition filed by the petitioner/A.6 seeking discharge from the proceedings initiated against him.

Heard the learned counsel for the petitioner/accused and the learned Public Prosecutor and perused the material available on record.

This Court is of the view that the court below rightly dismissed the petition filed by the petitioner seeking discharge observing that though the petitioner submitted that he was in hospital at the time of occurrence, the same can be decided only during the trial, and as such, dismissed the petitioner filed by the petitioner seeking discharge. The Order of the Court below is in accordance with law and needs no interference by this Court.

In any event, considering the nature of allegations and also as the question of identity of the petitioner/A.6 does not arise, the presence of the petitioner/A.6 before the trial Court is dispensed with except on the dates when the trial Court insists for his appearance. The trial Court is directed to proceed with the trial.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

11.09.2015

pln