

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

CRIMINAL REVISION CASE No.1713 of 2013

ORDER:

This revision case is filed against the order, dated 28.06.2013, in CrI.R.P.No.115 of 2013 passed by the Special Judge for Trial of Offences under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad.

2. Petitioner herein is the *de facto* complainant. She filed a complaint on 27.07.2009 alleging that in her absence, respondents 2 and 3/A.1 and A.2 have broke open the lock of the room and removed one CRI Motor pump, two crowbars, two spades and six bamboo baskets and kept one dog inside the room. When the *de facto* complainant came two days thereafter, she found that the lock of the room was broke open. Thereupon, the *de facto* complainant and her daughter Sindhura went and enquired respondents 2 and 3/A.1 and A.2, for which respondents 2 and 3 abused the *de facto* complainant and her daughter and threatened them if they touched the lock they will break their heads.

3. The case was originally taken on file under Section 504 IPC. When the trial was commenced, it appears that after examining the *de facto* complainant as P.W.1, a petition was filed to add Sections 379, 447, 448, 506 and 323 IPC. Accordingly, the learned Special Magistrate by order, dated 17.12.2012 added Sections 379, 447, 448, 506 and 323 IPC. Since Section 379 IPC is not triable by the Special Magistrate, he himself withdrawn the case from its file and transferred the case to XI Additional Chief Metropolitan Magistrate Court. Aggrieved by the said order, respondents 2 and 3/A.1 and A.2 preferred revision vide CrI.R.P.No.115 of 2013. The learned VI Additional Metropolitan Sessions Judge, Secunderabad, after

perusing the material available on record, set aside the order, dated 17.12.2012, passed by the learned Special Magistrate.

4. On perusal of both orders coupled with F.I.R., it is clear that the learned Special Magistrate has added the sections even without there being any adequate material. That is the reason why, the learned Sessions Judge has rightly interfered with the said order and set aside the same. Therefore, there are no grounds to interfere with the impugned order.

5. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

M.S.K.JAISWAL, J

SEPTEMBER 09, 2015
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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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Dt: 09.09.2015

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