

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE NO.1639 OF 2014

ORDER:

1. This revision case is filed by the petitioners-A1 and A2 aggrieved by order dated 25.10.2012 passed in CrI.M.P.No.104 of 2011 in S.C.No.311 of 2010 by the Senior Civil Judge, Madanapalle, Chittoor District.

2. It is the case of the prosecution that on 20.11.2007, when the de facto complainant was proceeding from his sister's house at Burma Street, Madanapalle, three persons came and attacked him and one among them had stabbed the de facto complainant. On the report given by the de facto complainant, a case was registered and after completion of the investigation, charge sheet was filed against the petitioners and on committal, the case was made over to the Court of Senior Civil Judge, Madanapalle. When the matter was coming up for framing of charges, the petitioners filed the above CrI.M.P. before the trial Court seeking for discharge of the petitioners on the ground that in Section 161 Cr.P.C. statements, the witnesses have not stated about the complicity of the petitioners and even in FIR, the complicity of the petitioners was not stated. The learned trial Judge dismissed the said application. Aggrieved by the same, the present revision has been filed.

3. Heard and perused the material available on record.

4. In the order under revision, it is observed that at the stage of framing of charges, it is not necessary to the trial Court to presume that the case would end in acquittal. The Court is required to see whether there is a prima facie case to show that the petitioners are involved and that there is any inducement by the petitioners as alleged. Having regard to the findings recorded by the trial Court, this Court feels that the order under revision does not suffer from any illegality or irregularity warranting interference by this Court and hence, the revision is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

Justice Raja Elango

Dated: 10.6.2015

Nn.

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