

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.64 of 2015

ORDER :

The petitioner, who is A12, preferred this Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), aggrieved by the order dated 17.12.2014, passed in CrI.M.P.No.29 of 2014 in S.C.No.434 of 2013 on the file of the III Additional Sessions Judge, Warangal District, wherein an application for discharge was rejected.

The petitioner, along with others, were charge sheeted for the offences punishable under Sections 148, 341, 302 and 120 (b) read with Section 149 of IPC.

The gist of the allegations in the charge sheet are as under:

L.W.1 is the wife of the deceased namely Gouru Ashok Reddy, S/o.Sammi Reddy, residing at Hanamkonda, doing real estate business. In the month of December 2011, A1 to A16 are alleged to have collected huge contributions from public for erection of Bodrai inauguration in their village. During this process, it is alleged that the deceased used to raise objections for collecting money from the public. Because of the same, A12 to A16 developed animosity against the deceased and felt that he would obstruct them in collecting amount from the public. On the night of 02.03.2012, the deceased, along with his family members, went to the marriage of one Kanukuntla Ganesh L.W.28. During post-marriage procession, A2 deliberately picked up a quarrel with the deceased, beat on the palm of the deceased and abused him in vulgar language, which was witnessed by L.Ws.12 and 13. However, the persons present in the marriage pacified them.

Subsequently, A2 went to A1 and narrated about the incident. Thereupon, A1 to A16 are alleged to have met at the house of A1, conspired and hatched a plan to eliminate the deceased. The meeting of the accused in the house of A1 was witnessed by L.Ws.15 and 16. Accordingly, on 04.03.2012, between 06.00 a.m. to 08.00 a.m., A2, A4, A5 and A7 kept the sticks and a bat in a bag and proceeded on a motor cycle towards Mucherla outskirts, which was witnessed by L.Ws.18 and 19. On the same day, at about 09.00 a.m., A1 to A16 congregated at the house of A12, which was witnessed by L.Ws.18 and 19 and as per their plan on the same day at about 04.45 p.m., when the deceased along with L.Ws.1, 9 and his daughter, about five years of age, were proceeding on a motor cycle, A2, A4, A5 and A7 followed them and ultimately A1 to A11 are alleged to have congregated near the fields of A1, formed themselves into an unlawful assembly and killed the deceased. Basing on the said allegations, a case in Crime No.58 of 2012 was registered. The police after investigation filed the charge sheet, which after committal came to be numbered as S.C.No.434 of 2013.

Learned counsel for the petitioner mainly submits that though L.Ws.15, 16, 18 and 19 have seen the alleged conspiracy on 03.03.2012, they failed to inform the same to the deceased or his family members immediately. He submits that the conduct of L.Ws.15, 16, 18 and 19 in not informing the conspiracy throws any amount of doubt on the case of the prosecution insofar as the participation of A12 is concerned. On the other hand, learned Public Prosecutor opposed the application.

A perusal of the 161 statements of L.Ws. 18 and 19 would clearly disclose that their statements were recorded on 05.03.2012 itself i.e., within 24 hours of the date of the incident. Their statements clearly disclose the role played by the petitioner. The

statement of L.Ws.18 and 19 would show that on 04.03.2012, i.e. on the date of incident, all the accused assembled in the house of the petitioner at 09.00 a.m., and the incident in question took place on the said date at about 04.45 p.m.

Therefore, from the material available on record, it cannot be said, at this stage, that no offence is made out against the petitioner. *Prima facie*, there is material to show that the petitioner was a member to the alleged conspiracy, more so, the alleged conspiracy took place in his house.

Hence, I see no reason to interfere with the findings arrived at by the Court below.

Accordingly, the revision is dismissed.

As a sequel, Miscellaneous Petitions, if any, pending in this revision shall also stand dismissed.

JUSTICE C. PRAVEEN KUMAR

12.02.2015.
vhb