

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2806 of 2015

ORDER

The present criminal revision case is directed against the docket order dated 14.09.2015 passed in Crl.M.P.No.179 of 2015 in Cr.No.843 of 2014 by the learned XXI Metropolitan Magistrate, Cyberabad at Medchal.

2. The first respondent/de facto complainant filed a complaint against the present petitioners and others stating that all the accused have harassed her mentally and physically by demanding additional dowry and also abused her in filthy language. It is stated that the Police, Alwal, having recorded the statements of the concerned persons filed a final report stating that the case is 'Lack of evidence' in stead of filing the charge sheet. Hence, the first respondent filed a protest petition in Crl.M.P.No.179 of 2015 seeking to take cognizance of offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act against the accused. The trial Court, after perusing the statements of P.Ws.1 to 3 and also the statements recorded by the police under Section 161 Cr.P.C., took cognizance against A1 to A4 for the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act and also directed to allot CC number by issuing summons to the accused through the police and RPAD. Aggrieved by the same, the present revision is filed by the petitioners/A2 and A3.

3. Heard and perused the material on record.

4. Learned counsel for the petitioners mainly contended that even though there is no incriminating material against the petitioners for the alleged offences, the trial Court ought to have taken cognizance against them.

5. The order impugned shows that the trial Court after perusing the statements of P.Ws.1 to 3 recorded on oath and also the statements recorded by the police under Section 161 Cr.P.C., found *prima facie* case against the accused and took cognizance against the accused for the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act. The

statements of the de facto complainant and her parents recorded by the learned Magistrate reveal about the harassment made by the accused. Therefore, this Court is of the view that the trial Court has rightly passed the impugned order and there is no need to interfere with by this Court. However, the petitioners are at liberty to file a discharge petition before the concerned Court. Since the petitioners and the de facto complainant are known to each other, the question of their identity does not arise and therefore, the presence of petitioners/A2 and A3 is dispensed with before the trial Court except on the dates expressly directed by the trial Court and the petitioners shall be represented by their counsel.

6. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

19th November, 2015

sj