

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

CRL.R.C.No.1035 OF 2013

ORDER:

This petition is filed under Section 397 and 401 of the Code of Criminal Procedure, 1973 questioning the order, dated 08.03.2013 in CrI.M.P.No.9924 of 2010 in C.C.No.372 of 2007 passed by the I Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District.

The petitioners herein filed the above petition before the trial Court for alteration of charges. The complainants filed the private complaint alleging the offences punishable under Sections 352, 355, 447 and 509 of IPC. After recording the sworn statements of all the complainants, learned Magistrate took cognizance of the offences against the accused only for the offences punishable under Sections 448 and 506 of IPC. The present revision is filed aggrieved by the impugned order dismissing the petition filed by the petitioners herein contending that the charges can be framed at any stage before conclusion of the evidence.

Learned counsel for the petitioners submitted that a bare reading of the complaint and sworn statements clearly show that the respondents/accused allegedly attacked the complainants and the learned Magistrate has not considered the same in a right perspective and refused to frame the charges.

Briefly stated, allegations are, on coming to know that the respondents/accused have trespassed into the plot belonging to the complainants and when their daughter went to the site and questioned the respondents/accused, they abused them in filthy language and also beat son-in-law of the petitioners with sticks and also threatened them with dire consequences.

Taking into consideration of the above facts and perusing the material available on record, the trial Court has to frame appropriate charges taking into consideration the complaint and the sworn statements.

Accordingly, the criminal revision case is disposed of directing the learned Magistrate to consider the complaint and the sworn statements of the complainants and thereafter, frame appropriate charges in accordance with law.

Pending miscellaneous petitions in the revision, if any, shall stand closed.

M.S.KJAISWAL,J

11.09.2015

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DATE: 11.09.2015

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