

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

CRL.R.C.No.908 of 2013

JUDGMENT:

This Criminal Revision Case is filed questioning the correctness of the order of the learned I-Additional District and Sessions Judge, Nellore, dated 20.02.2013 passed in Crl.M.P.No.117 of 2012 in S.C.No.104 of 2011.

Respondent No.2 herein filed a private complaint against the revision petitioner-A7 and seven others for the offences under Sections 324, 354, 356, 395, 397, 427, 452, 498-A read with Section 34 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act and also under Section 12 of the Protection of Human Rights Act.

According to the 2nd respondent-complainant, her marriage with A-1 was solemnized on 16.02.1997 as per Muslim rites and customs and at the time of marriage, the parents of the complainant presented Rs.25,000/- and 20 sovereigns of gold ornaments. Subsequently, A-1 with the assistance of A-2 to A-6 started harassing the complainant for additional dowry and that the parents of the complainant paid Rs.1,50,000/- to A-1. It is further alleged that on 15.05.2005 at about 8.00 A.M., when the complainant went to the market, A-1 to A-6 trespassed into her house, broke open the Biruva and took away the cash and gold ornaments in the tractor bearing No.A.P.26.U.9644 and thereafter she rushed to the house and when she tried to obstruct them, A-1 to A-6 beat her with hands and legs and as a result of which, she received injuries on her right hand. Subsequently, the 2nd respondent-complainant presented a complaint before the petitioner-A7 and that her statement was recorded by police, but no action was taken against the accused. Since the petitioner-A7 and A-8, the then Inspector of Police, Nellore, have not taken any action against the accused and they have abetted the accused to commit the offence, the 2nd respondent-complainant lodged the private complaint.

The revision petitioner is Accused No.7 in the aforesaid S.C.No.104 of 2011. When the matter is coming up for framing of charges, the revision

petitioner-A7 filed the aforesaid CrI.M.P.No.117 of 2012 under Section 227 Cr.P.C. seeking to discharge him for the offences alleged against him. However, the Court below by order dated 20.02.2013 dismissed the said petition holding that there is sufficient material to proceed against the revision petitioner-A7.

Learned Counsel for the revision petitioner submitted that there is no specific allegation against the petitioner since the alleged offence arises out of marital life between the 2nd respondent and A-1. He further submitted that before framing of charges, sanction is required to prosecute the petitioner under Section 197 Cr.P.C.

A perusal of the allegations in the private complaint, statements of witnesses and other material available on record would clearly reveal a *prima facie* case to proceed against the revision petitioner-A7 along with other accused for the aforesaid offences. The truth or otherwise of the allegations cannot be gone into at the stage of deciding the matter under Section 227 Cr.P.C. and it can only be decided during the course of trial.

Having heard the learned Counsel appearing on either side and upon perusing the entire material available on record, this Court is of the considered view that the impugned order does not suffer from any illegality or infirmity which calls for interference by this Court.

Accordingly, the Criminal Revision Case is dismissed. However, the trial Court is directed to proceed with the trial of the aforesaid Sessions Case and dispose of the same as expeditiously as possible without insisting the presence of the revision petitioner-A7 on each and every date of adjournment unless it feels that his presence is necessary for any specific purpose.

Miscellaneous petitions, if any, pending shall stand closed.

_____ **M.S.K.JAISWAL, J**

05-10-2015

Gsn

