

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

CRIMINAL REVISION CASE No. 481 OF 2011

BETWEEN

Navaluri Balakrishna

.....Petitioner/accused

And

The State of AP through PS Begumpet

...Respondent.

DATE OF JUDGMENT PRONOUNCED: 17.08.2015.

SUBMITTED FOR APPROVAL:

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

1. Whether reports of Local newspapers may be allowed to see the judgments?
YES/NO
2. Whether the copies of judgments may be marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE No. 481 OF 2011

ORDER:

This Criminal Revision Case is filed against the order dated 07.02.2011 passed by the learned XI Additional Chief Metropolitan Magistrate, Secunderabad in CrI.M.P.No.2938 of 2010 in CC No. 283 of 2009, wherein and whereby the relief sought for by the petitioner/accused for his discharge from the offence punishable under Section 506 IPC was rejected.

Heard learned Counsel for the petitioner and learned Public Prosecutor for the respondent-State.

The petitioner-accused alleged to have sent a message to the defacto-complainant through SMS on 1.1.2009 at about 10.43.25 pm, which reads as follows:

*“ Get me arrested and I will see your end challenge
you do not have the courteous to pick the lunch bill yash
is no free Bee.”*

The police investigated into and filed a charge sheet. Having heard the learned Counsel on either side and gone through the material available on record, there is prima facie material against the petitioner-accused to frame a charge for the offence punishable under Section 506 IPC and to proceed with trial. At this stage it is not appropriate to hold that the

alleged SMS sent by the petitioner-accused to the defacto complainant do not constitute any offence punishable under Section 506 IPC. The words used in the SMS itself would be sufficient to hold that there is an intention to cause criminal intimidation to the defacto complainant. In view of the above, I do not see any illegality or irregularity in the order under revision.

The Criminal Revision Case is dismissed. However, as the case is of the year 2009, the learned XI Additional Chief Metropolitan Magistrate, Secunderabad is directed to proceed with trial and dispose of C.C.No. 283 of 2009 within three months from the date of receipt of a copy of this order. Having regard to the submission made by the learned Counsel for the petitioner, the trial Court is directed not to insist the presence of the petitioner during the course of trial unless and until his presence specifically requires.

JUSTICE M.S.K. JAISWAL

DATED 17TH August, 2015.
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