

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2347 OF 2014

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 21.07.2014 passed in Criminal Appeal No.371 of 2013 on the file of the Court of the Metropolitan Sessions Judge, Hyderabad, whereby the lower appellate Court confirmed the order of the trial Court passed in STC No.216 of 2011, dated 19.03.2013.

Heard.

The case of the prosecution is that A.1 and A.2 created nuisance at the residence of the complainant and trespassed into his house and abused him in filthy language and bet him and his wife and as such, a case is registered for the offences under Sections 59 and 70(b) of the City Police Act and Section 323 IPC.

The trial Court having found that there is no sufficient material to prove the guilt of the accused, dismissed the STC filed by the State and acquitted the accused. The lower appellate Court also confirmed the Judgment of the trial Court.

On perusing the Judgment of the trial Court as well as the lower appellate Court, this Court is of the view that the trial Court and the lower appellate Court have rightly acquitted the accused. Three witnesses were examined in the case. P.W.2 is the injured person, P.W.1 is the husband of P.W.2 and P.W.3 is the investigating officer. Insofar as offence under Section 323 IPC is concerned, to substantiate the same, no Doctor was examined and further according to the evidence of P.W.1, he went to the place of occurrence after the incident was over, in which P.W.2, wife of P.W.1, sustained injuries. However, in the cross-examination, he has stated that he was an eye witness to the occurrence. P.W.3, investigating officer, also admitted

the fact that he went to the place of occurrence after the occurrence was over. Further, except P.Ws.1 to 3, no other independent witness was examined to establish that P.Ws.1 and 2 were beaten by the accused. No medical certificate was produced nor any Doctor was examined. Hence, the trial Court and the lower appellate Court rightly acquitted the accused.

In view of the above discussion, this Court is of the view that there is nothing to interfere with the Judgments of the trial Court as well as the lower appellate Court. Both the Courts have rightly acquitted the accused. The criminal revision case is liable to be dismissed and is accordingly dismissed.

The Criminal Revision Case is accordingly dismissed. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

12.06.2015
pln