

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE Nos.1609 of 2013 AND 82 OF 2015

COMMON ORDER :

These two Criminal Revision Cases are filed by the informant under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), questioning the judgment of acquittal of A2 and A3 and also seeking enhancement of sentence of imprisonment awarded to A1 in C.C.No.545 of 2011 on the file of the V Additional Judicial First Class Magistrate, Rajahmundry.

Heard both sides.

Originally, A1 to A3 were charge sheeted for the offences punishable under Section 498-A read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act (for short, 'the Act'). The said case was taken on file as C.C.No.545 of 2011 on the file of V Additional Judicial First Class Magistrate, Rajahmundry. After a full-fledged trial, the learned Magistrate, while acquitting A2 and A3, convicted A1 for the offences punishable under Section 498-A read with Section 34 of IPC and Sections 3 and 4 of the Act and sentenced him to undergo simple imprisonment for a period of six months in default to pay fine of Rs.5,000/-. Challenging the same, A1 preferred Crl.A.No.288 of 2013 on the file of the First Additional District and Sessions Judge, Rajahmundry. The said appeal is still pending. While things stood thus, the informant preferred the above two revisions questioning the inadequacy of sentence of imprisonment imposed against A1 and also the acquittal of A2 and A3 vide Crl.R.C.No.1609 of 2013 and Crl.R.C.No.82 of 2015 respectively.

Though the present revisions are filed seeking enhancement of imprisonment awarded to A1 and also questioning the judgment of acquittal passed against A2 and A3 by the V Additional Judicial First Class Magistrate, but, both the learned counsel consented for remanding of these two revisions to the Court of I Additional District and Sessions Judge, Rajahmundry, to be heard along with Crl.A.No.288 of 2013 filed by A1, which is pending before the Sessions Court.

Since the accused would loose an opportunity of filing a revision before this Court, in case the Crl.A.No.288 of 2013 filed by him is dismissed by the Sessions Judge, and as the informant would also get another opportunity of challenging the orders of Sessions Court, the present revisions are remanded back to the Court of Sessions and the learned Sessions Judge at Rajahmundry is directed to post these two revisions along with Crl.A.No.288 of 2013, which is pending on the file of I Additional District and Sessions Judge, Rajahmundry, who shall dispose of the same at the earliest.

With the above direction, these revisions are disposed of.

As a sequel, Miscellaneous Petitions, if any, pending in these revisions shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.02.2015.

vhb