

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.486 of 2015

ORDER:

1. The present criminal revision is filed by the petitioner/accused under Section 397 and 401 of Cr.P.C. questioning the office objections raised in Crl.M.P.(SR) No.145 of 2015 in S.C.No.10 of 2012 on the file of Principle Assistant Sessions Judge, Srikakulam.

2. On the basis of report given by the petitioner, the police registered a case for the offence punishable under Section 354, 323,506 r/w.34 IPC against A-1 to A-4. After completion of investigation, the police filed a charge sheet, which was taken on file vide P.R.C.No.28 of 2011. Thereafter, the same was committed to the Court of Sessions numbered as S.C.No.10 of 2012. While things stood thus, the petitioner herein filed Crl.RC No.14649 of 2012 before this Court, requesting the Court to commit the case against A-2 to A-4 to the Court of Sessions along with A-1. However, the said application was dismissed by this Court by giving an opportunity to approach the appropriate forum by filing an appropriate application. Thereafter, the petitioner who got himself examined as PW.1, filed a transfer application before the Sessions Judge, Srikakulam vide Crl.M.P.No.550/2014. It is stated that in the said case a direction to recall PW.1 was given. Pursuant to which, PW.1 filed Crl.M.P.No.103 of 2014 and the same was allowed. Later, PW.1 was recalled and sworn in for further examination. While giving evidence, he is alleged to have deposed as under:

“ The said Pandarinath and above referred four persons pushed me and fell me down on ground, at the instigation of above referred four persons Pandarinath committed assault against me as stated by me in my earlier Chief examination. When he said Pandarianth misbehaved with me my persons i.e.Ramu, Driver and my husband rescued me from the above said persons at the time of occurrence.”

3. But, inspite of giving number of opportunities, the petitioner did not file the evidence of PW.1. Without furnishing copy of the deposition, the learned counsel for the petitioner referred to the contents of evidence of PW.1 filed by him in an

application filed under Section 319 Cr.P.C.. The said application, which was filed for impleading the proposed accused was filed on 10-03-2015. On 11-03-2015, the Sessions Court returned the application on the ground of maintainability of the petition. The same was re-submitted on 12-03-2015 and which was returned on 16-03-2015 stating that objection dated 11-03-2015 was not complied with. Again on 18-03-2015, the same was resubmitted stating that petition is maintainable in view of the judgment of the Supreme Court in 1998(7) SCC Page 149 at para 20 and 1999 (1) ALT CrI. Page 558. The office has not numbered the revision. If the petition was in order, definitely, the office would have taken steps in numbering the revision. The questioning of entertaining the revision and directing the Sessions Court to number the revision is un-heard and the same cannot be entertained.

4. In view of the above, I see no merits in the revision and accordingly, the Criminal Revision case is dismissed leaving it open to the petitioner to pursue his remedy before the Court, where the said application is pending. Miscellaneous Petitions pending if any in this criminal revision, shall stand closed.

C. PRAVEEN KUMAR, J

23-04-2015

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