

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2277 of 2015

ORDER:

1. This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order dated 31.7.2015 passed in CrI.M.P.No.32 of 2015 in Sessions Case No.300 of 2014 by the Assistant Sessions Judge, Atmakur, Kurnool District.

2. The petitioner is alleged to have committed the offence punishable under Section 306 r/w 107 IPC. He moved the above CrI.M.P. seeking to discharge him. It is the case of the petitioner that he is no way concerned with the alleged offences and he had not harassed his wife and abetted her to commit suicide and that deceased died due to electric shock by falling in water tube, at the place of her parents while she was residing therein by deserting him and that the death is accidental one and therefore, the question of harassment or abetment by the petitioner does not arise. The trial Court dismissed the said application. Aggrieved by the same, the petitioner filed the present revision.

3. Heard and perused the material available on record.

4. Earlier the petitioner-accused filed Criminal Petition No.5438 of 2014 seeking to discharge him. This Court disposed of the said petition while granting liberty to the petitioner to move the petition for discharge before the trial Court and dispensing with his presence before the trial Court. Hence, the petitioner moved the impugned application and the same was dismissed.

5. It is the case of the petitioner that the death of the deceased, who is his wife, was accidental and she was living at the place of her parents by deserting him and that no prima facie case is made out to proceed with the trial against the petitioner.

6. The trial Court has passed lengthy order in the above Crl.M.P. This Court has gone through the order passed by the trial Court. From the order under revision it is clear that after evaluating the material produced by the prosecution and after considering the probability of the case, the learned trial Judge being satisfied by the existence of sufficient grounds against the petitioner-accused came to the conclusion that there is prima facie case against the petitioner-accused to frame charge against him. After considering the reasons recorded by the trial Court, this Court is not inclined to interfere with the order under revision.

7. At this stage, the learned Counsel for the petitioner has not pressed for the relief sought for in this revision and she prayed for dispensing with the presence of the petitioner before the trial Court.

8. In the above circumstances of the case and since the identity of the petitioner-accused is not in question before the trial Court, this Court is of the view that if the presence of the petitioner before the trial Court is dispensed with, no prejudice would be caused.

9. Accordingly, the Criminal Revision Case is disposed of dispensing with the presence of the petitioner before the trial Court except on the dates when his presence is insisted by the trial Court. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.10.2015

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