

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1000 of 2015

ORDER

1. This Criminal Revision Case is filed by the petitioners-complainants challenging the order dated 31.12.2014 passed in CrI.M.P.No.255 of 2015 in CrI.A.No.419 of 2012 by the Additional Metropolitan Sessions judge, Cyberabad at L.B. Nagar, Ranga Reddy District.

2. Brief facts of the case are as follows:

The petitioners herein filed a complaint against the 1st respondent-company represented by its Managing Partner-S. Rajasekhar for the offence under Sections 420, 416, 470 and 471 IPC and in that regard, trial was conducted and the judgment was passed acquitting the accused. Challenging the said judgment of acquittal, the petitioners filed the above CrI.A.No.419 of 2012. During the pendency of the same, the petitioners filed the above CrI.M.P. under Section 319 Cr.P.C. seeking to implead S. Rajasekhar, who is the Managing Partner of A1-M/s Rao and Raj Constructions, as A2. The learned Additional Metropolitan Sessions Judge dismissed the application on the ground that the appellate Court has no power to add any person as accused at the appellate stage. Aggrieved by the same the petitioners filed the present revision.

3. Heard and perused the material available on record.

4. From the material available on record, it is obvious that the petitioners failed to add the Managing Partner of A1-company as accused in his individual capacity before the trial Court. During the course of arguments in the appeal, the learned Counsel appearing for the appellants-petitioners sought for conviction against S. Rajasekhar.

The appellate Court has raised a question as to the liability of the said S. Rajasekhar for the charges leveled against A1. On that, the petitioners filed the above application. The appellate Court dismissed the said application on the ground that the appellate Court has no power to add any person as accused at the appellate stage. Under Section 319 Cr.P.C. during the course of any enquiry or trial of an offence, when it appears from the evidence that any person not being the accused, has committed any offence, for which such person could be tried together with the accused, the trial Court may proceed against such person. It is for the trial Court to add any person as accused by exercising the powers under Section 319 Cr.P.C. Therefore, this Court is of the view that the order of the lower appellate Court is in accordance with law and it does not suffer from any illegality and irregularity warranting interference by this Court.

5. However, it is left open to the petitioners herein to seek before the appellate Court for remand of the matter for fresh trial. If any order is passed by the appellate Court in that regard, it is left open to the petitioners to seek remedies in accordance with law.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 22nd June, 2015

Note:

Issue CC within three days.

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