

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 61 of 2006

Order:

This Criminal Revision Case is directed against the orders, dated 16.12.2005, passed in PRC No.78 of 2005 by the learned II Additional Judicial Magistrate of First Class, Bhimavaram, whereby and whereunder the learned Magistrate has committed the case to the Court of Sessions only insofar as it relates to A1 but has found that there is no material to proceed against the respondents 1 to 6 herein, who are A2 to A7, and consequently the complaint was dismissed as against A2 to A7.

2. The contention of the revision petitioner/*de facto* complainant is that even though there is sufficient material on record to proceed against A2 to A7 as well, but the learned Magistrate has not committed the case against them.

3. Perused the entire material on record. The *de facto* complainant filed the private complaint under Section 190 Cr.P.C alleging the offences punishable under Sections 302 and 201 read with Section 34 IPC and the respondents 1 to 6 herein were shown as A2 to A7 in the said complaint. The learned Magistrate has recorded the sworn statements of the witnesses produced and, upon considering the same, found that there is no material to proceed against the other accused except to proceed against A-1 in the said complaint.

4. The allegations are that A-1 in the PRC, who is not the respondent herein, was married to the daughter of the *de facto* complainant by name Kode Lakshmi and they had children. The non-respondent/A-1 and his relatives alleged to have subjected the said Kode Lakshmi to harassment and, therefore, she was staying with the

de facto complainant. It is alleged that on 12.07.2003, at about 6.00 PM, the non-respondent/A1 came to the house of the *de facto* complainant, took his wife Kode Lakshmi and also the Hero Majestic Moped of the *de facto* complainant leaving the children in the company of the *de facto* complainant and went away. When the *de facto* complainant enquired from A1 to A3 about the whereabouts of his daughter Lakshmi, they did not give satisfactory reply. Subsequently, it came to his notice that the dead body of his daughter Lakshmi was lying in a Canal. His Hero Majestic Moped was also found lying nearby. Thereafter, the *de facto* complainant filed a police complaint before Undi Police Station, but no action was taken. Hence, he filed a private complaint before the Magistrate.

5. The learned Magistrate has recorded the sworn statements of the *de facto* complainant as well as the witnesses. A perusal of those statements show that *prima facie* the accusations are made only against the husband-A1, but there is no material on record for proceeding against the respondents 1 to 6 herein, who are A2 to A7 in the private complaint. Therefore, the learned Magistrate has committed the case only against the non-respondent/A1 and dismissed the complaint in so far as it relates to the respondents 1 to 6 herein, who are all said to be relatives of A1. The impugned order clearly shows the reasons for non-committal of the case insofar as it relates to the respondents 1 to 6 herein, who are A2 to A7. The Court below, on proper appreciation of the sworn statements of the *de facto* complainant and the witnesses and also the entire material on record, has rightly committed the case against A1 and it dismissed against A2 to A7 and there is no illegality or irregularity in the impugned order passed by the Court below warranting interference of this Court. There are absolutely no merits in the revision case and the same is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed. It is

needless to say that even during the course of trial, if there is any evidence, which in any way incriminate the persons other than the accused in the dock, it is always open to the learned Magistrate to invoke the provisions of Section 319 Cr.P.C., and proceed accordingly.

7. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 24.06.2015

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