

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1854 of 2015

ORDER

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This criminal revision case is directed against the order dated 24.08.2015 passed in Crl.M.P.No.5018 of 2015 in Cr.No.588/2013-14 by the learned Judicial Magistrate of First Class, Tiruvur, whereby the petition filed by the petitioner/A2 under Section 239 Cr.P.C. seeking to discharge him from the case, was dismissed.

2. The petitioner is arrayed as A2 in Cr.No.588/2013-14 of Prohibition and Excise Station, Vissannapeta, Krishna District, registered for the offence punishable under Section 7-A read with Section 8(e) of A.P. Prohibition Act, 1995 and GUR Regulation Act, 1967. He filed the impugned application stating that he used to purchase and sell jaggery and other kirana items under valid bills and he is having valid license for the same and that based on the confession of A1 only that he purchased the jaggery from the shop of petitioner, this case was foisted against him. Therefore, he is entitled to be discharged from the case. By the order impugned, the said petition was dismissed by the trial Court on the ground that there are no inherent powers to discharge the accused since the investigation is not completed and no final report is filed. Aggrieved by the same, the present revision is filed.

3. Heard and perused the material on record.

4. As per the provisions of Section 239 Cr.P.C., the Court can discharge the accused only when there is no sufficient ground for proceeding or the charge against him was found to be groundless. In the present case, the investigation of the crime is not yet completed and no final report is filed, as such, the question of discharging the accused invoking the provisions of Section 239 Cr.P.C., does not arise. Therefore, the trial Court has rightly dismissed the impugned application and there is no need to interfere with the order impugned.

However, the petitioner is at liberty to file fresh application after filing of the charge sheet before the concerned Court.

5. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending in this revision, shall stand closed.

JUSTICE RAJA ELANGO

10th September, 2015

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