

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1023 OF 2014

ORDER:

The present Criminal Revision Case is filed against an order dated 26.09.2013 passed in Crl.M.P. No.122 of 2011 in C.C. No.78 of 2010 on the file of the I Additional Judicial First Class Magistrate, Warangal.

The facts in issue are as under :

The petitioners herein were tried in C.C. No.78 of 2010 for the offences punishable under Sections 18(a)(i) and Section 27(a) of the Drugs and Cosmetics Act. Pending the said proceedings, the petitioners herein filed Crl.M.P.No.122 of 2011 under Section 227 Cr.PC. seeking discharge. The said application was rejected on the ground that the petition is not maintainable as the offences alleged against the petitioners are only triable as "summons case" in which framing of charges would not arise. Apart from that the trial court went into the merits of the case and held that a *prima facie* case is made out against the petitioners.

The learned counsel for the petitioners submits that having held that the petition is not maintainable, the court ought not to have decided the case on merits. He further submits that the observations made in the order that a *prima facie* case is made out against the petitioners may effect the case of the petitioner during trial.

Since the case is triable as a Summons Case, filing of a discharge petition would not arise. Therefore, the question of entertaining the revision would not arise. In view of the apprehension expressed by the petitioner with regard to the observations made by the trial court, it is made clear that trial court shall proceed with the

case basing on the evidence adduced during the trial, uninfluenced by the observations and finding arrived at in the discharge application.

Accordingly, the Criminal Revision Case is dismissed giving liberty to the petitioners to avail the remedies available under law.

As a sequel to it, miscellaneous petitions pending if any in this Revision, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 23.02.2015
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