

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2650 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners-A1 & A2 aggrieved by the order 30.9.2015 passed in C.R.P.No.65 of 2014 by the IX Additional Sessions Judge, West Godavari District, Kovvur.

2. Originally, the 2nd respondent-complainant filed a private complaint before the Judicial Magistrate of First Class, Jangareddigudem and the same was referred to the Station House Officer, Koyyalagudem Police Station for investigation under Section 156(3) Cr.P.C. On 29.10.2012, the said Station House Officer registered the same as a case in Crime No.152 of 2012 and subsequently, he completed the investigation and referred the case as false. Aggrieved by the same, the 2nd respondent-complainant filed a protest petition in SR No.10778 of 2012 seeking to take cognizance of the complaint against the petitioners for the offence punishable under Sections 331, 452 and 506 r/w 34 IPC. The learned Magistrate dismissed the same. Aggrieved by the same, the complainant filed Criminal Revision Petition No.65 of 2014 before the IX Additional Sessions Judge, West Godavari District at Kovvur. The learned Sessions Judge after considering the statements of the complainant and the witnesses, allowed the revision and directed the Magistrate to take the complaint filed by the complainant on file against the petitioners for the offence punishable under Sections 331, 452 and 506 r/w 34 IPC. Aggrieved by the same, the petitioners filed this revision case.

3. The learned Counsel for the petitioners tried to argue and convince this Court on the factual aspects of the case. This Court is of the view that in order to take cognizance of the offence alleged to have been committed by the petitioners, there should be prima facie material, which discloses such offence. If there is any prima facie material, the Magistrate is at liberty to take cognizance. Considering the same, the learned Additional Sessions Judge passed orders directing the Magistrate to

take cognizance of the offence.

4. This Court does not find any ground to interfere with the order of the learned Additional Sessions Judge. However, the petitioners are at liberty to file discharge application, if they are so advised. If such application is filed, the learned Magistrate is directed to pass appropriate orders. If the petitioners are aggrieved by the orders that would be passed on their application, they are at liberty to challenge the same.

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

JUSTICE RAJA ELANGO

Dated: 6.11.2015

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