

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

CRL.P.No.7867 of 2009

ORDER:

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This criminal petition is filed under Section 482 Cr.P.C., questioning the correctness of the docket order passed by the learned I Additional Junior Civil Judge, Guntur, in C.C.No.1 of 2008 dated 14-09-2009 and the consequential order dated 15-09-2009 by and under which the learned Judge has converted C.C.No.1 of 2008, originally taken cognizance of under Section 498 read with 34 I.P.C., into P.R.C.No.1 of 2008, adding Section 307 IPC as one of the offences, alleged to have been committed by the petitioners- accused.

The learned counsel for the petitioners submits that when PW-1 was originally examined, she did not whisper anything about any attempt made on her life, and it is only at a subsequent stage, that too when she was recalled, she attributed the allegation, and the learned Judge erred in converting the Calendar Case into PRC.

Upon perusal of the record, it is manifestly clear that in the FIR it is alleged by the 2nd respondent-wife that there is a specific allegation to the effect that on 12-06-2007 the petitioner-accused demanded additional dowry, and when she resisted, he caught hold of her and tried to kill her by pouring kerosene. Same statement was given by PW-1 when she was in the witness box. Therefore, the learned Judge cannot be said to have committed an error by adding Section 307 I.P.C.

In that view of the matter, there are no merits in the revision and

is liable to be dismissed. However, the learned Judge is directed to commit the PRC to the Court of Sessions immediately, and the learned Sessions Judge shall dispose of the case as expeditiously as possible, preferably within a period of six months from the date of its committal. Both the Courts below shall not insist for the presence of the petitioners-accused 2 and 3, unless their presence is required for any specific purpose.

Accordingly, the criminal petition is dismissed. There shall be no order as to costs.

M.S.K. JAISWAL, J.

Dt.18-09-2015.

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