

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.37 of 2015

ORDER :

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 21-11-2014 passed in Crl.M.P.No.5232 of 2014 in C.C. No.78 of 2013 by the II Additional Judicial First Class Magistrate, Sattenapalli, whereby the trial Court refused to discharge the petitioner herein – accused No.2 from the offences alleged against her.

The allegation against the petitioner herein as per the complaint filed by the de facto-complainant is that the petitioner was present when the petitioner's husband promised the de facto-complainant and other witnesses that he would pay the money after selling their paddy, as he being the person who is procuring the paddy and selling the same in the open market.

The main contention raised by the learned counsel for the petitioner is that except the allegation that she was also present and promised, there is no specific allegation against the petitioner herein.

The petitioner is the wife of the main accused, who promised to pay the money after selling the paddy in the market and also who induced the de facto-complainant

and other witnesses and made them to believe that he will sell their paddy in the market and pay the money, which necessitated the de facto-complainant and the other witnesses to part with their paddy to the accused.

Considering the submissions of the learned counsel for the petitioner and on perusal of the records and also the contention of the learned counsel for the complainant that the petitioner being the wife of the main accused, she is aware of the entire transaction between the 1st accused and the de facto-complainant and other witnesses and the complaint also disclose that she also promised to pay the money after selling the paddy in the market concerned, this Court is of the considered view that mere vague allegation that petitioner was also present at the relevant point of time is not enough to proceed against the petitioner herein. In the statement recorded by the witnesses also there is vague allegation against the petitioner herein and the petitioner being wife of the main accused, she is also added as accused.

Hence, the impugned order passed by the trial Court is hereby set aside and the petitioner is hereby discharged from the offences alleged against her.

As far as the accused No.1 is concerned, the trial Court is directed to conclude the trial within a period of six months from the date of receipt of a copy of the order.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions pending in this revision, if

any, shall stand closed.

JUSTICE RAJA ELANGO

27th July, 2015
skmr