

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2338 OF 2015

-

ORDER:

This Criminal Revision Case is filed by the petitioners, under Sections 397 and 401 of the Code of Criminal Procedure, challenging the docket order, dated 20.07.2015, passed by the Judicial Magistrate of First Class, Badvel, in Crime No.79 of 2014 on the file of Kalasapadu P.S., YSR Kadapa District.

Heard and perused the material available on record.

The case of the petitioners is that initially, FIR was registered against petitioners and other accused in the above crime for the offences punishable under Sections 143, 324 and 307 read with 149 IPC and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'). After investigating the matter and after examining the witnesses, the police filed charge sheet, against accused Nos.3, 8, 11, 18 and 20 for the offences under Sections 143, 324 and 307 read with 149 IPC only, by deleting the names of the petitioners. The learned Magistrate took cognizance of the offence against the petitioners also, along with the other accused, for the offences under Sections 143, 324, and 307 read with 149 IPC and Section 3(1)(x) of the Act, by the impugned order. Aggrieved by the same, the present revision is filed.

Learned counsel for the petitioners submitted that police filed charge sheet against five accused only, deleting the names of the petitioners, whereas the learned Magistrate has erroneously taken cognizance against the petitioners also, without mentioning any reasons.

When the police filed charge sheet against some accused, deleting the other accused, and if the Magistrate intend to take cognizance against those deleted persons also, he should state the reasons for taking cognizance against them.

A perusal of the record does not disclose any reasons recorded by the learned Magistrate for taking cognizance against the petitioners herein. Considering the above, this Court is of the view that it is fit case to remit the matter to the Court below to record reasons for taking cognizance of the offences against the petitioners.

Accordingly, the matter is remitted to the Court below and the Court below is directed to record reasons for taking cognizance of the offences against the petitioners. The petitioners are also at liberty to place their arguments before the Court below. Till passing of the orders by the Court below, the warrants if any, issued against the petitioners shall stand suspended.

With the above directions, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

October 12, 2015

KTL