

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Criminal Revision Case No. 700 of 2013

Between:

M.A. Vasi

.. Petitioner (s)

And

The State of AP., rep. by the Public Prosecutor,
High Court Premises, Hyderabad through
Police Station, Adilabad (Rural), District Adilabad
and another

.. Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

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SUBMITTED FOR APPROVAL:

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

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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

Criminal Revision Case No. 700 of 2013

Order:

This Criminal Revision Case is directed against the docket order, dated 04.02.2013, passed in CrI.MP No.32 of 2012 in CC No.2 of 2012 by the Special Judicial Magistrate of First Class (Mobile), In-charge Excise Court, Adilabad, Adilabad District, whereby and whereunder the discharge petition filed by the petitioner/A2, under Section 239 Cr.P.C., was returned on the ground that the charges have already been framed against him and the case was posted for trial.

2. The contention of the learned counsel for the petitioner is that, originally, when the petition for discharge of the petitioner/A2 was filed on 30.07.2012 the same was returned with an endorsement that the matter is pending before the District Judge for transferring the case to another Court and, subsequently, when the petitioner filed CrI.MP No.32 of 2012 seeking his discharge, the same was also returned on the ground that the charges have already been framed. The main contention of the learned counsel for the petitioner is that before framing charges no opportunity of hearing was given to the petitioner/A2.

3. A perusal of the record would show that, admittedly, by the date when the discharge petition in CrI.MP No.32 of 2012 in CC No.2 of 2012 came to be filed by the petitioner/A2, charges have already been framed against him as well as other accused and the case was posted for trial. Moreover, it is the regular practice that, after supplying copies of documents and after giving an opportunity of hearing to the accused, then only charges will be framed. Therefore, the contention of the learned counsel for the petitioner that before framing charges no opportunity of hearing was given to the petitioner/A2 cannot be accepted. In the circumstances, I am of the considered view that

rejection of the discharge petition filed by the petitioner/A2, on the ground that the charges have already been framed, is proper and do not warrant any interference of this Court. The revision case is devoid of merit and the same is liable to be dismissed.

4. Accordingly, the Criminal Revision Case is dismissed.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 27.07.2015

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