

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL REVISION CASE No.302 of 2015

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ORDER:

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The petitioner, who is accused No.2, filed the present Criminal Revision Case under Sections 397 and 401 Cr.P.C., aggrieved by the order dated 05.02.2015 passed in CrI.M.P.No.2783 of 2014 in S.C.No.470 of 2014 on the file of the Metropolitan Sessions Judge, Hyderabad, wherein the discharge application filed by the petitioner was dismissed. A charge sheet came to be filed against the petitioner and others for the offences punishable under Sections 302 read with 120 (B) IPC.

The allegations in the charge sheet are as under:

On 11.06.2014 the Inspector of Police, Mirchowk Police Station, received an information about the murder of Smt. Sameena Fathima (deceased No.1) and Kum. Sayyeda Dania Anum deceased No.2) at Agha Towers, Sulthanpura, Mirchowk, Hyderabad. Immediately, the Inspector along with his staff proceeded to the scene (bed room) and found the dead bodies lying in a pool of blood in bed room with injuries on face, head and the throats were also cut. The Inspector of Police along with his staff proceeded to the scene pursuant to a report given by Smt.Sakeena Sayyeda, who is the mother of deceased No.1, wherein she stated that she is living with her son-in-law by name Syed Ali Asalat, daughter (deceased No.1) and grand daughters. On the said date at about 8.00 p.m. she went to drop her grand daughter to Villa Mary College along with driver Wasif. Her daughter (deceased No.1) and another grand daughter (deceased No.2) were sleeping in their respective bed rooms at that time. She is alleged to have locked the grill and left the house. After dropping the grand daughter at the college, she went back to the house, opened the grill

and when she went inside, found the dead bodies of her daughter and grand daughter in their rooms. Immediately she informed the same to Shujjat and Muslim Ali. To her surprise she found that the back door open. Expressing suspicion against one Altaf she lodged a report. Police investigated into the matter and after collecting all the material papers filed a charge sheet against accused No.1 and the petitioner herein for the offences punishable under Sections 302 read with 120-B IPC.

Learned counsel for the petitioner mainly submits that there is absolutely no material to connect the petitioner with the crime and the circumstances relied upon by the prosecution do not found a chain of events so as to connect the petitioner with the crime. He submits that except the confession, there is no other material to connect him with the crime.

Per contra, the learned Public Prosecutor opposed the revision contending that apart from confession there is material to show the involvement of the petitioner in the crime as such the issues which are raised by the petitioner have to be adjudicated during trial.

A perusal of the material on record would show that on 16.06.2014, on receipt of credible information, accused No.1 who was working in Fever Hospital was arrested and he is alleged to have voluntarily confessed about the commission of offence in the conspiracy with accused No.2, who is the husband of deceased No.1. A detailed confessional statement of accused No.1 was recorded in the presence of mediators which lead to recovery of two cell phones which are used by accused No.1 at the time of commission of offence. His confession also lead to recovery of blood stained cloths and also the blood stained knife used in the commission of offence. Pursuant to the confession accused No.2 was arrested who also confessed about the commission of offence.

The material on record further discloses that the petitioner herein was involved in 17 cases and a rowdy sheet was also opened against him at Dabeerpura Police Station. He is alleged to have planned to eliminate deceased No.1 due to certain disputes in the family and accordingly he took the help of accused No.1 by paying Rs.2.00 lakhs. His statement and the call data from the phone's seized clearly disclose receipt of call from accused No.1 after completing the

job entrusted to him from his mobile No.009665953537878 to his mobile No.9885123472. On coming to know about the incident, accused No.2 returned back to Hyderabad. Pursuant to the said confession the police have seized the mobile phones used by the petitioner and also took into the custody the two passports which were in the name of the petitioner. Though initially the mother of deceased No.1 raised suspicion against one Altaf, since he was having many transactions with accused No.2, but ultimately it was found that Altaf had nothing to do with the offence and that the husband of deceased No.1 and his assassinator accused No.1 were *prima facie* found responsible for the offence. It may be true that there are no eye witnesses to the incident but the circumstances namely the conversation between accused Nos.1 and 2 with regard to commission of offence and accused No.1 informing accused No.2 about the commission of the offence while he was in abroad *prima facie* establish his role at this stage. Having regard to the said circumstances, I see no reason to interfere with the order passed by the trial Court.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

16.04.2015

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