

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

Criminal Revision Case No.1555 of 2015

Between :-
Challa Bhadra Reddy and others.

.. Petitioners

And

The State of Telangana
Rep.by Public Prosecutor, High Court,
Hyderabad.

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

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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 Judgment? | Yes/No |
| 2. Whether the copies of Judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CrI.R.C.No.1555 of 2015

ORDER

This Revision is directed against the orders of learned Judge, Family Court-cum-VII Additional District & Sessions Judge, Khammam in CrI.M.P.No.323 of 2014 in S.C.No.307 of 2014, dated 18-06-2015, by and under which the learned Sessions Judge has dismissed the petition filed by the petitioner/accused under Section 227 Cr.P.C. to discharge.

The petitioners/accused are being prosecuted for the offences punishable under Sections 143, 148, 302 r/w.149 IPC. The substance of the allegation is that the accused persons have beaten the deceased with hands, legs, sticks and iron rod. Due to which, the deceased fell down and due to the alarm of some body, the accused ran away leaving the deceased hoping dead. Thereafter he was shifted to Sparsha Private Hospital, Khammam, where he was declared dead. The Post-mortem examination (P.M.E.) report reveals that the cause of death of deceased was due to 'Myocarditis'. Learned counsel appearing for the petitioners/accused submits that when not even a single injury was found on the person of deceased and when the medical opinion is clear that the death of deceased was due to heart attack, the prosecution of petitioners/accused is nothing but travesty of justice and therefore, they are entitled to be discharged.

Having perused the material on record, I do not think it is a fit case, where it can be said that absolutely there is no material to frame the charge against the accused. What is the cause of death will be known only during the course of evidence. As such, the learned Judge has rightly dismissed the application.

Accordingly, the Criminal Revision Case is dismissed directing the learned Judge, Family Court-cum-VI Additional District Judge, Khammam to proceed with the trial of S.C.No.307 of 2014. But, however, without insisting the presence of petitioners 2 to 12/A-2 to A-12 on every date of hearing unless their presence is required for any specific purpose. Miscellaneous petitions, if any, pending in this

Revision shall stand closed.

M.S.K.JAISWAL, J

06-08-2015
nvl