

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

Criminal Revision Case No. 307 of 2013

Order:

This Criminal Revision Case is directed against the orders, dated 16.11.2012, passed in CrI.M.P. No.273 of 2012 in S.C. No.48 of 2002 by the I Additional Sessions Judge, Vizianagaram.

2. The brief facts of the case are as follows. The State, represented by the Inspector of Police, Cheepurupalli Circle, filed a charge sheet in Crime No.49 of 2001 of Budarayavalasa Police Station against as many as 35 accused persons for the offences punishable under Sections 148, 302, 307, 324, 341, 452 and 427 read with Section 149 IPC on the file of the jurisdictional Magistrate. After complying with the mandatory provisions, the case was committed to the Court of Sessions. Initially, after numbering it as SC No.48 of 2002, as many as '40' charges were framed by the learned Principal District and Sessions Judge, Vizianagaram and, subsequently, the case was made over to the Court of I Additional Sessions Judge, Vizianagaram. When the case was coming up for trial, the prosecution filed CrI.M.P.No.370 of 2004 to frame additional charges and the said petition was dismissed. Aggrieved by the said order, the prosecution preferred revision in CrI.R.C.No.254 of 2005 and this Court, by an order dated 12.11.2010, disposed of the said revision case directing the trial Court to frame charges afresh after hearing both sides. Then the I Addl. Sessions Judge, Vizianagaram, in compliance of the orders of this Court, framed '20' charges afresh against the accused on 18.06.2011. Again, the prosecution filed CrI.M.P.No.273 of 2012 requesting the trial Court to frame additional charges, but the same was rejected. Aggrieved by the same, the petitioner herein, who is the

wife of the deceased in the crime, filed the present revision questioning the correctness of the charges.

3. Learned counsel for the revision petitioner submitted that the main charge for the offence punishable under Section 149 IPC is not framed against the accused, even though specific overt acts thereof were mentioned in the charge sheet. Learned counsel relies upon the extract of the charges, which was made after framing of the charges.

4. A perusal of the record clearly shows that as many as '20' charges were framed against the accused and all the accused have been charged with different offences including the offence punishable under Section 149 IPC. There were also charges with regard to specific overt acts in so far as all the accused are concerned. What is noticed is that, after framing the charges, numbering to '20', only an extract thereof was made, making them into '6' charges and all the accused were put their signatures therein. The contention of the learned counsel for the petitioner is that it amounts to there only being '6' charges, but not '20' charges. The said contention is devoid of substance for the reason that the charges framed against the accused have to be seen, but not the extract made thereof. The accused have been appraised of all the charges numbering to '20', but not for '6' charges as mentioned in the extract before they were put their signatures. It is, however, clarified that the accused have been charged with as many as '20' charges, but not with '6' charges, which have been mentioned in the extract at the conclusion thereof. There are no merits in the revision case and the same is liable to be dismissed.

5. With the above clarification, the Criminal Revision Case is dismissed.

6. As a sequel thereto, the miscellaneous petitions, if any, pending

in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 29.06.2015
Nsr