

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3108 of 2015

ORDER

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The present criminal revision case is directed against the order dated 25.03.2015 passed in Cr.No.160 of 2014 of I Town Police Station, Nellore, by the learned II Additional Judicial Magistrate of First Class, Nellore.

2. Heard and perused the material on record.

3. The case of the prosecution is that A1 got married the de facto complainant as second wife. A2 is the first wife of A1 and the petitioner/A3 is the friend of A1 and A2. There were money disputes between the de facto complainant and A1 and A2. When she asked A1 with regard to the amount deposited by her son-in-law in his account, A1 to A3 directed her to come to Karnala Street and on 15.06.2014 at 21.45 hours, when she went to Karnala street, Nellore City, A1 beat the de facto complainant with hands and A2 beat on her head with an iron rod causing bleeding injury. Hence, she gave a report to the police. After completion of investigation, the police filed the charge sheet against A1 and A2 by deleting the name of A3. When the charge sheet came up for hearing, the learned Magistrate passed the impugned order by taking cognizance against A1 to A3 for the offences punishable under Section 307 read with Section 34 IPC and under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') and issued summons to

A1 and A2 and NBW against A3. Aggrieved by the same, the petitioner/A3 filed the present revision.

4. On the basis of material collected by the Investigating Officer, the Magistrate can either accept the final report or reject the same and take cognizance of the offence. By the order impugned, the learned Magistrate found that there is a *prima facie* material to proceed against A3 based on the report and the statement recorded under Section 161 Cr.P.C. of the de facto complainant, and took cognizance of the case against A1 to A3 for the offences punishable under Section 307 read with Section 34 IPC and under Section 3(1)(x) of the Act. Therefore, this Court is of the view that the impugned order passed by the trial Court is in accordance with law and there is no need to interfere with the same. Since NBW is pending against the petitioner/A3 and she expressed her willingness to appear before the trial Court regularly, the NBW issued against her can be recalled.

5. The Criminal Revision Case is accordingly disposed of, and the petitioner/A3 is directed to surrender before the trial Court on or before 31.12.2015 and make an application for recalling of NBW pending against her. On filing such an application, the trial Court shall recall the warrant on the petitioner executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum to its satisfaction, failing which, the trial Court is at liberty to take appropriate steps. Till such time, the warrant issued against the petitioner is hereby suspended. The petitioner herein is further directed to appear before the trial Court on each and every

date of adjournment.

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

JUSTICE RAJA ELANGO

1st December, 2015

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