

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2273 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners-Accused Nos.2 to 4 aggrieved by the order dated 9.1.2015 passed in CrI.M.P.No.351 of 2013 in C.C.No.319 of 2012.

2. The petitioners are alleged to have committed the offence punishable under Section 498-A r/w 34 IPC. The allegations against the petitioners and A1 are that the parents of the de facto complainant gave an amount of Rs.2,60,000/- towards lanchanams and 10 sovereigns of gold ornaments at the time of marriage and after marriage, the accused looked after the de facto complainant well for a period of four months and thereafter, A1 started harassing her physically and mentally and that the accused abused her that she gave birth to a female child.

3. The petitioners along with A1 filed the above CrI.M.P.No.351 of 2013 seeking to discharge them. The learned trial Judge dismissed the said application. Aggrieved by the same, the petitioners filed this revision.

4. Heard and perused the material available on record.

5. Learned Counsel for the petitioners submitted that the allegations made against the petitioners in the complaint as well as in 161 Cr.P.C. statement do not attract the offence under Section 498-A IPC and no specific instances of harassment were alleged against the petitioners and no prima facie case is made out to proceed against the petitioners.

6. Learned Public Prosecutor submitted that the contents in the complaint and in the 161 Cr.P.C. statements clearly show a prima facie case to proceed with the trial against the petitioners and there is no need to interfere with the order under revision.

7. It is pertinent to note that unless there is a prima facie case apparent on the face of the material available on record so as to proceed with the trial against the petitioners, the question of subjecting them to the examination under Section 239 Cr.P.C. does not arise. On a perusal of the material on record and the order under revision, it is obvious that the statements of the witnesses recorded under Section 161 Cr.P.C. and the statement of the de facto complainant show a prima facie case to proceed with the trial against the petitioners. Therefore, this Court is not inclined to interfere with the order under revision. However, considering the facts and circumstances of the case, the presence of the petitioners before the trial Court is dispensed with, except on the dates when the trial Court insists for their appearance.

8. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 8.10.2015

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