

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.990 of 2014

ORDER:

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the orders dated 16.4.2014 in CrI.M.P.No.1006 of 2014 in C.C.No.285 of 2012 on the file of the XV Additional Chief Metropolitan Magistrate, Special Court for the Trial of Video Piracy Cases, Hyderabad.

2. The petitioners are arrayed as A3 and A4 in the above C.C., for commission of the offence under Sections 498-A IPC. They filed the above CrI.M.P. seeking to discharge them from the charge under Section 498-A IPC. They stated in their affidavit that the investigating officer deleted their names in the charge sheet on the ground that the involvement of the petitioners was not proved in the investigation. However, on the basis of the protest petition filed by the de facto complainant, the Court below took cognizance of the offence under Section 498-A IPC against the petitioners herein. The order of the Court below in the protest petition was not challenged by the petitioners herein. But they filed the above CrI.M.P. under Section 239 Cr.P.C. seeking to discharge them. The said CrI.M.P. was dismissed. Hence, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. The main contention raised by the petitioners is that the de facto complainant either in her complaint or in her statement recorded under Section 161 Cr.P.C. did not state anything against the petitioners and that no prima facie material was found during the course of investigation showing the involvement of the petitioners. Further, it is contended that the petitioners got married much prior to the marriage of the de facto complainant with A1 and they are living separately with

their family members.

5. From the order under revision, it is apparent that the learned trial Judge passed a detailed order without answering the contention of the petitioners regarding the absence of any allegations against them either in the complaint or in the statement of the de facto complainant. But the learned trial Judge ventured to rely upon the judgments of the Apex Court as well as the High Courts, which are not relevant to the issue in the present case.

6. After perusing the complaint and the statements recorded by the investigating officer, this Court is of the view that nothing was stated by the de facto complainant regarding the involvement of the petitioners, who are sisters-in-laws of the de facto complainant. The charge sheet also does not disclose anything against the petitioners. Even the statement of the father of the de facto complainant does not disclose anything against the petitioners herein. In the absence of any prima facie material against the petitioners for the offence under Section 498-A IPC, this Court feels that it is a fit case to discharge the petitioners for the offence under Section 498-A IPC.

7. Accordingly, the Criminal Revision Case is allowed and the petitioners are discharged for the offence under Section 498-A IPC in the above C.C. Consequently, CrI.A.M.P.No.1006 of 2014 in C.C.No.285 of 2012 on the file of the XV Additional Chief Metropolitan Magistrate, Special Court for the Trial of Video Piracy Cases, Hyderabad, is allowed.

JUSTICE RAJA ELANGO

Dated: 27th July, 2015
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