

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.3310 of 2015

ORDER:

The petitioners preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 23.10.2015 passed in Crl.M.P.No.2514 of 2015 in Crime No.39 of 2009 by the XVI Additional Chief Metropolitan Magistrate, Hyderabad, whereby the learned Judge allowed the application, filed by the 2nd respondent – de facto complainant, to reopen the case.

The case in brief is that the 2nd respondent lodged a complaint against the petitioners and another before the Habeebnagar police and the same was registered as Crime No.39 of 2009 for the offences punishable under Sections 448, 427, 342 and 323 r/w. 34 IPC. After completion of the investigation, the police filed charge sheet before the Court concerned, deleting the name of one of the accused i.e. A3. The Court concerned issued notice to the 2nd respondent to file objections, if any, in deleting the name of A3. The 2nd respondent filed a memo stating he has no objection in deleting the name of A3 and to proceed with the case against the petitioners herein. On the memo filed by the 2nd respondent, the Court passed the following order:

“De facto complainant present. Memo filed reported no objections against final report (Charge Sheet). Hence the proceeding closed.”

Against the above, the 2nd respondent filed Crl.M.P. No.2514 of 2015 to reopen the case. The Court below allowed the said application and reopened the case and issued summons to the petitioners.

When the matter is taken up for hearing, learned counsel for the petitioners submitted that he has already challenged issuance of

summons to the petitioners and hence, this criminal revision case has become infructuous.

Recording the above submission of the learned counsel for the petitioners, the criminal revision case is dismissed as infructuous.

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

RAJA ELANGO, J

February 05, 2016.

KTL