

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1612 of 2012

-

ORDER:

The above Criminal Revision Case is filed by the petitioners - accused Nos.7 to 12 against the docket order, dated 20.07.2012, passed in SC No.89 of 2010 by the Principal Assistant Sessions Judge, Vijayawada.

The case in brief is that the petitioners were arrayed as accused along with others, in Crime No.50 of 2010 on the file of Reddigudem Police Station, Krishna District, for the offences punishable under Sections 307, 324 and 323 r/w.34 IPC. After completion of investigation, the police filed charge sheet before the Court concerned, deleting the names of the petitioners as accused, since the witnesses examined by them did not speak about participation of the petitioners in commission of offence and by adding the offence under Section 307 IPC against the other accused. The trial Court proceeded with the case and concluded the trial and also concluded the examination of accused under Section 313 Cr.P.C. When the matter was posted for arguments of the accused, the trial Court suo-motto passed the order impugned, directing issuance of summons to the petitioners since the injured eye-witnesses have specifically stated the overt acts of the petitioners. Challenging the same, the present revision case is filed.

Heard and perused the material available on record.

It is true that the trial Court can add any person as an accused if the Court satisfies that the said person committed the offence concerned, on the basis of the evidence adduced. But, in the present case, the order passed by the learned trial Judge is without taking into consideration the reasons mentioned by the investigating agency in the charge sheet for deleting the names of the petitioners as accused. Basing only on the evidence adduced by the witnesses before the

Court, the learned trial Judge directed to issue summons to the petitioners.

When the trial Court intends to proceed against the persons, those who are not arrayed as accused, that too, in a case where the charge sheet was filed deleting the names of those persons after due investigation, a detailed order should be passed by mentioning the reasons for believing the evidence of the witnesses and disbelieving the reasons stated in the charge sheet for deleting the names of those persons by the investigating agency. The order impugned does not speak anything about the manner in which the investigation is completed and the Court below has also not taken into consideration the statements of the witnesses and the other material filed by the prosecution at the time of filing of charge sheet. Hence, this Court is of the view that the order under revision is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed setting aside the docket order, dated 20.07.2012, passed in SC No.89 of 2011, by the Principal Assistant Sessions Judge, Vijayawada, and the trial Court is directed to conclude the trial as far as the other accused are concerned, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 19, 2016.

CTL