

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.826 OF 2016

ORDER:

The present Criminal Revision Case under Sections 397 and 401 of Cr.P.C., is filed by the petitioners/A.3 to A.6 assailing the order dated 20.11.2015 passed in C.C.No.336 of 2014 (Crime No.79 of 2014 of Ganapavaram P.S., West Godavari District, Andhra Pradesh) by the I Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District, for framing charges against them for the offences punishable under Section 323 of IPC.

A perusal of the charge sheet placed on record would show that LW.1 herein was working as an auto driver. On 07.05.2014 at about 10.30 a.m., while he was going along with passengers (LWs.2 and 3) in his auto from Z.P. School towards Harijanapeta, and when the auto reached Community Hall, A.Gopavaram, there was mob shouting against each other on road and causing obstruction to the vehicular traffic. Since L.W.1 blew horn, A.1 and A.2 bore grudge against him, pulled him from the driver seat, beat him with hands and when LW.2 interfered, the accused pushed him, A.2 picked up a stone and beat him on his nose causing bleeding injury. The averments in the charge sheet further show that the remaining accused have not participated in the commission of offence. Based on these allegations, a

case in Crime No.79 of 2014 of Ganapavaram P.S., for the offences under Sections 324, 323 r/w. 34 I.P.C., came to be registered. Thus, the averments in the charge sheet show that the petitioners have not participated in the commission of offence.

But, a perusal of the statement under Section 161 of Cr.P.C., given by L.W.1 would show that all these petitioners, who are arrayed as A.3 to A.6, beat him with their hands.

In view of the above, it cannot be said that there are no allegations against the petitioners/A.3 to A.6 warranting interference with framing of charges against them. Hence, I see no illegality in the order dated 20.11.2015 passed by the Court below framing charges against the petitioners/A.3 to A.6 for an offence punishable under Section 323 I.P.C.

However, the presence of the petitioners/A.3 to A.6 in C.C.No.336 of 2014 is dispensed with, except on the dates when their presence is specifically required by the Court.

Subject to the above observations, the Criminal Revision Case is dismissed.

JUSTICE C. PRAVEEN KUMAR

18.03.2016.

Msr

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