

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1495 OF 2016

ORDER:

The Criminal Revision Case is filed by the petitioner/A.2 under Sections 397 and 401 Cr.P.C., challenging the Order dated 22.03.2016 passed in CrI.M.P.No.452 of 2014 in Sessions Case No.213 of 2013 on the file of the I Additional Sessions Judge, Anantapuramu, wherein the application filed by the petitioner seeking discharge in the above Sessions Case is dismissed.

2. The petitioner herein is A.2 in the above mentioned Sessions Case. The police filed charge sheet alleging that there were ill-feelings between A.1 and the deceased Nagi Reddy. On 31.07.2010 at about 10:30 A.M., when the deceased and others went to MPDO Office, Dharmavaram Town, A.1 to A.3 and A.5 to A.7 attacked the deceased, A.5 to A.7 sprinkled chilly powder over the face of the deceased, while A.1 to A.3 hacked him indiscriminately and then ran away. Later, the deceased died while undergoing treatment. Basing on these allegations, the police of Dharmavaram Urban Police Station registered a case in Crime No.239 of 2010 for the offences punishable under Sections 147, 148, 302 read with 149 IPC. During the course of investigation, prosecution has examined fifteen witnesses and after completion of investigation, filed the charge sheet. The said case was taken on file by the Judicial Magistrate of First Class, Dharmavaram against A.1 to A.3 and A.5 to A.7. After committal, the case came up for framing of charges. At that stage, the petitioner filed the petition

under Section 227 Cr.P.C., for discharge, which was dismissed by the Court below. Challenging the same, the present revision is preferred.

3. Learned counsel for the petitioner mainly submits that even accepting the allegations in the charge sheet, no offence is made out against the petitioner and there is no material to connect the petitioner with the present case.

4. Learned Additional Public Prosecutor opposed the petition.

5. As seen from the material on record, a charge sheet came to be filed against the petitioner and others for the offences punishable under Sections 147, 148 and 302 read with 149 IPC. During the course of investigation, LW.20 arrested A.1 to A.3 on 05.08.2010 at 4:30 P.M., in Tadimarri Police Station and seized their Bajaj Discovery 135 CC motorcycle in the presence of LWs.17 and 18. On interrogation, A.1 to A.3 are alleged to have confessed about the commission of offence, pursuant there to, LW.20 seized one hunting sickle from the thorny bushes near Yashoda School by the side of Dharmavaram-Kothacheruvu main road and blood stained clothes from the thorny bushes situated at a distance of half kilometre away from Dhupampalli Village. Having regard to the material available on record, taking into consideration the facts and circumstances of the case and the statements recorded by the police during the course of investigation, trial Court rejected the request of the petitioner stating that this matter requires to be considered during the course of trial.

6. Having regard to the nature of offences alleged and the material available on record against the petitioner, it is not a fit case for discharge of the petitioner.

7. Hence, the Criminal Revision Case is dismissed. However, trial Court shall dispose of the Sessions Case No.213 of 2013 as early as possible uninfluenced by the observations or findings, if any, given in this order. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

Date:28.09.2016
INL

JUSTICE C. PRAVEEN KUMAR

