

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.367 OF 2016

ORDER:

The revision case filed by the petitioner challenging the docket order, dated 02.11.2015, passed in CrI.M.P.No.555 of 2015 in P.R.C.No.55 of 2015 in C.F.R.No.549 of 2013 passed by the Judicial First Class Magistrate, Manthani, Karimnagar District, whereby the court below has taken cognizance of the offence under Section 354 IPC in addition to already charged offences under Sections 384, 504 and 506 IPC.

Learned counsel for the petitioner submits that the Court below has erred in taking the cognizance ignoring the Central Law Amendment Act 13 of 2013. He further submits that following the said Amendment Act, Section 354 IPC is now made a compoundable offence and triable by Magistrate by virtue of which, A.P.Amendment Act 6 of 1991, under which Section 354 IPC was an offence triable by Sessions Court and punishable upto 7 years, stands reverted to pre-amendment position. Hence, the learned Court below erroneously registered the case as P.R.C.No.55 of 2015 and initiated committal proceedings contrary to the settled legal position. Hence, the same is not maintainable.

Heard and perused the material available on record.

Admittedly the offence is committed in the month of December, 2012 i.e., prior to the Amendment concerned. Hence, this Court is of the view that the said amendment is not applicable to the case on hand. Hence, the criminal revision fails and is liable to be dismissed.

The criminal revision case is accordingly dismissed. Miscellaneous petition, if any, pending in this case, shall stand closed.

JUSTICE RAJA ELANGO

24.06.2016
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