

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1593 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-accused challenging the order dated 12.4.2016 passed in CrI.M.P.No.2911 of 2015 in C.C.No.888 of 2015 by the Additional Judicial First Class Magistrate, Nandigama, Krishna District.

2. The petitioner is charge sheeted for the offence punishable under Sections 354(D) and 509 IPC. It is alleged that on 13.12.2013 at about 12.30 p.m., while the de facto complainant was washing the cloths at Ramco Mines Canal, the petitioner went there and outraged her modesty and abused her. The petitioner filed the above CrI.M.P. before the trial Court seeking to discharge him. The Court below dismissed the same. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. Learned Additional Public Prosecutor opposed this revision.

5. It is the case of the petitioner that the wife of the petitioner lodged a complaint against the husband of the de facto complainant and the same was registered as Crime No.157 of 2013 and as a counter-blast, the de facto complainant filed the present complaint with false allegations. It is also the case of the petitioner that on 13.12.2013, he attended Village Panchayat Meeting at K. Agraharam of Jaggaiahpet Mandal and that he being an employee in Visakhapatnam Steel Plant, Jaggaiahpet Lime Stone Mine Division, attended his duty from 2 p.m., to 10.30 p.m., on 13.12.2013 and the allegations are false and there are no grounds to proceed further against him in the above C.C.

6. The learned Magistrate dismissed the application on the ground that the documents filed by the petitioner along with the petition that he was elsewhere, shall be subject to proof during the trial and that there is prima facie material to proceed against the petitioner in the above C.C.

7. It is the case of the petitioner that he was not present on the date of alleged incident at the scene of offence. The plea taken by the petitioner-accused cannot be appreciated at the stage of framing of charges, without subjecting the documents filed by him in support of such plea, to proof during the course of trial. Therefore, this Court is of the view that the order of the learned Magistrate is in accordance with law and it does not warrant any interference by this Court.

8. However, as the identity of the petitioner is not in challenge before the trial Court, the presence of the petitioner before the trial Court is dispensed with except on the dates, when his presence is specifically insisted by the trial Court.

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

JUSTICE RAJA ELANGO

Dated: 22nd June, 2016

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