

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1077 OF 2016

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ORDER:
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1. This Criminal Revision Case is filed by the petitioners-A2, A4 and A5 challenging the order dated 5.1.2016 passed in CrI.M.P.No.946 of 2012 in S.C.No.290 of 2012 by the I Additional Sessions Judge, Chittoor.

2. Brief facts of the case are as follows:

On the morning of 28.12.2008 A1 at the instigation of A2, A4 and A5 brutally killed the deceased, who was pregnant, with an axe by inflicting multiple injuries on her body and absconded. After some time, L.W.8-Kallupalli Narsamma, who is none other than the mother of A5, and residing in a separate house, came to the house of A4 and A5 and witnessed the dead body of the deceased on a cot with bleeding injuries and then, she made hue and cry. Then, the villagers rushed there and witnessed the dead body of the deceased. Initially, the case was registered against A1 for the offence under Section 302 IPC and after completion of the investigation, charge sheet was filed against A1. Then, the learned Additional Public Prosecutor before the Court below filed a memo seeking relief of reinvestigation in the matter. Then, the case was handed over to CID for reinvestigation and to file fresh charge sheet. After completion of the reinvestigation, additional charge sheet was filed against A1- husband of the deceased and four others. Subsequently, the case was numbered as SC No.290 of 2012. When the matter has been coming up for framing of charges, the petitioners filed the above CrI.M.P. seeking to discharge them for the offences under Sections 498-A, 302 and 304-B r/w 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. The trial Court dismissed the said petition. Aggrieved by the same, the petitioners filed this revision.

3. Learned Counsel for the petitioners submitted that all the witnesses examined in the above case by the investigating agency, did not state anything about the presence of the petitioners at the time of occurrence and that there is no prima facie material to proceed against the petitioners.

4. Learned Additional Public Prosecutor opposed this revision.

5. It is pertinent to note that at the stage of framing of charges the Courts would only have to see as to whether a prima facie case has been made out or not. The trial Court after considering the material on record, gave a finding that there are no grounds to discharge the petitioners.

6. In view of the facts and circumstances of the case and the nature of the allegations made against the petitioners, this Court is not inclined to interfere with the order under revision.

7. At this stage, the learned Counsel for the petitioners prayed for dispensing with the presence of the petitioners before the trial Court.

8. In view of the above submission, the presence of the petitioners- A2, A4 and A5 before the trial Court is dispensed with except on the dates when their presence is specifically insisted by the trial Court. The petitioners are directed to be represented through a Counsel before the trial Court on all hearing dates.

9. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 29.6.2016

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 29th June, 2016.

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