

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.2614 of 2014

ORDER

Petitioners preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 21-10-2014 passed in Crl.M.P.No.3122 of 2014 in C.C.No.474 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, whereby the learned trial Judge dismissed the petition filed by the petitioners under Section 239 Cr.P.C. praying the Court to discharge them from the main case.

Heard and perused.

As far as the arguments forwarded by the learned counsel for the petitioners on behalf of petitioner No.1 is concerned, the said facts are necessarily to be tried by the trial court, since those facts are disputed facts and which has to be adjudicated by the trial Court. As far as the arguments forwarded by the learned counsel for the petitioners on behalf of petitioner Nos.2 and 3 are concerned, even though it is alleged against them that they demanded Rs.50,00,000/- as additional dowry, there is no material on record and also it is the case of the complainant that ever since the date of marriage, petitioner Nos.2 and 3 opposing the same and they have not attended the marriage also. Even according to the complainant, the marriage took place in Arya Samaj in the

absence of petitioner Nos.2 and 3 herein. Apart from the mere statement, there is no serious allegation against petitioner Nos.2 and 3 to attract an offence under Section 498-A I.P.C.

Hence, the Criminal Revision Case is disposed of with the following directions :

The trial Court is directed to discharge the petitioner Nos.2 and 3 and proceed against petitioner No.1 in accordance with law and dispose of the case as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of the order.

It is informed by the learned counsel for petitioners that petitioner No.1 is pursuing his further studies in Mysore and hence it is very difficult for him to attend the Court regularly.

Considering the same and as the question of identity of the accused does not arise, presence of the petitioner No.1 before the trial Court is dispensed with except on the dates on which the learned trial Judge insists for the appearance. However, the petitioner No.1 shall be properly represented through his counsel before the trial Court.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

08th February, 2016

skmr