

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2051 OF 2004

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/*de facto* complainant challenging the judgment, dated 4.8.2004, in Calendar Case No.758 of 2000 on the file of the VI Metropolitan Magistrate at Hyderabad whereunder and whereby, the learned Magistrate found the accused not guilty for the offence punishable under Section 324 I.P.C. and accordingly, acquitted him under Section 248(1) Cr.P.C.

2. Petitioner herein is the *de facto* complainant and respondent No.1 is the accused. Case of the prosecution, in brief, is that there were some civil disputes between the petitioner and the accused; that on 7.7.2000, in connection with the visit of an Advocate Commissioner to visit the disputed site, accused is alleged to have put some waste material and stones across the common way and in that context, a wordly altercation took place between them; that the accused took a beer bottle and hit the petitioner for which, he received bleeding injuries to his right shoulder. To this effect, upon presentation of a complaint, the same was registered as a case in Crime No.199 of 2000 for the offence punishable under Section 324 I.P.C. After due trial, the learned Magistrate found the accused not guilty for the offence punishable under Section 324 I.P.C. and accordingly, acquitted him. Challenging the said judgment, the petitioner filed this Criminal Revision Case.

3. Learned counsel for the petitioner contended that the petitioner, who is the injured and examined as P.W.1, examined his mother – P.W.2 to substantiate the injuries sustained by him in the hands of the accused; that being this is a case investigated by the Investigating

Officer, the prosecution ought to have examined the Investigating Officer; that the prosecution also failed to examine the Medical Officer to substantiate the fact as to whether the injuries sustained by P.W.1 in the hands of accused were simple injuries or grievous injuries caused by a weapon; that except P.Ws.1 and 2, no other witness was examined by the prosecution and hence, the learned Magistrate is of the view that the prosecution has failed to prove the case beyond all reasonable doubt and accordingly, acquitted him.

4. Heard and perused the material available on record.

5. The impugned judgment of the learned Magistrate is in accordance with law. It does not suffer from any infirmity or illegality and hence, the impugned judgment does not warrant interference of this Court. Hence, the Revision Case fails and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed confirming the judgment, dated 4.8.2004, in Calendar Case No.758 of 2000 on the file of the VI Metropolitan Magistrate at Hyderabad.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

22.7.2016

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