

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3355 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-Accused No.1 aggrieved by the order dated 3.11.2015 passed in CrI.M.P.No.1520 of 2015 in S.C.No.527 of 2014 by the II Additional Metropolitan Sessions Judge, Hyderabad.

2. It is the case of the prosecution that L.W.1 lodged a complaint stating that on 14.7.2013, his father-G. Eashwar left his house to his mutton shop located at Chintalbasti, and after some time, it was informed to L.W.1 that his father was found fallen on road No.13, Banjara Hills, and then, L.W.1 went there and noticed that his father died with bleeding injuries on his body. It is the case of the prosecution that the petitioner and others are responsible for the death of the deceased and they committed the offence punishable under Section 302 IPC.

3. It is the case of the petitioner that the police filed a false case against him for the alleged death of the said Eashwar and that there is no evidence on record to connect him with the above crime. On these grounds, the petitioner filed the above CrI.M.P. seeking to discharge him from the above case. The learned trial Judge dismissed the same. Aggrieved by the same, the petitioner filed this revision.

4. The main contention raised by the learned Senior Counsel appearing for the petitioner is that there is no material evidence to proceed against the petitioner in the above case and that the Counsel appeared on behalf of the petitioner before the trial Court has also relied upon the various judgments of the Apex Court, but the learned trial Judge has not considered the same in a proper perspective and he has not stated the details of the material, basing on which he

opined that a prima facie case is made out against the petitioner.

5. Considering the above submissions made by the learned Senior Counsel, without expressing any opinion on the order under revision, this Court is inclined to remit the matter to the trial Court to pass orders afresh after perusing the material on record.

6. Accordingly, the Criminal Revision Case is disposed of setting aside the order under revision and remitting the matter back to the trial Court to pass a speaking order after perusing the material on record. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21.1.2016

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CRIMINAL REVISION CASE No.3355 of 2016

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