

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.464 of 2016

ORDER

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This criminal revision case is directed against the order dated 29.12.2015 passed in Crl.M.P.No.98 of 2015 in S.C.No.423 of 2015 by the learned VIII Additional Assistant Sessions Judge, Rangareddy District at L.B.Nagar, Hyderabad, whereby the petition filed by the petitioner/A2 under Section 227 Cr.P.C. seeking to discharge her from the alleged offences was dismissed.

2. The case of the prosecution is that the de facto complainant and the petitioner/A2 are husband and wife and it is alleged that A1 and A2 were having illicit relationship and they caused chemical injury to the eyes of the de facto complainant resulting loss of vision in both the eyes. They also beat the de facto complainant with stick on his head. Charges were framed against A1 and A2 for the offences punishable u/secs.326, 307, 498, 494, 506 r/w.sec.34 IPC. At that stage, the petitioner/A2 filed the impugned application stating that there is no material to connect her with the crime since there is no marital relationship between her and the de facto complainant since 2014 as they took divorce and therefore, she is entitled to be discharged from the case. The said petition was dismissed by the trial Court. Aggrieved by the same, the present revision is filed.

3. Heard and perused the material on record.

4. The allegations in the complaint and the statements of witnesses recorded under Section 161 Cr.P.C. would disclose that A1 and A2 lead adulterous life during subsistence of the marriage and they were responsible for the loss of vision in both the eyes of

the de facto complainant and it is also alleged that they attempted to commit murder of the de facto complainant. Therefore, the trial Court having observed that all these aspects have to be established only after full-fledged trial dismissed the impugned application. In view of the same, the trial Court has rightly dismissed the application and there is no need to interfere with by this Court.

5. Learned counsel for the petitioner after arguing some time confined his argument to the extent that the presence of the petitioner/A2 before the trial Court may be dispensed with. Since the de facto complainant and the petitioner/A1 are husband and wife, the question of identity of the petitioner does not arise. In view of the same, the presence of the petitioner/A2 before the trial Court is dispensed with, except on the dates expressly directed by the trial Court and the petitioner shall be represented by her counsel.

6. Accordingly, the criminal revision case is disposed of. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

9th February, 2016

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