

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.642 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. Assailing the order dated 25.01.2016 passed in Criminal M.P.No.1302 of 2015 in Sessions Case No.238 of 2014 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad, wherein an application for discharge was rejected, the present Criminal Revision Case is filed by the petitioner/A.3.

3. The gist of the allegations made in the charge sheet read as under:

There were some family disputes between the informant and the accused, who are blood relatives. On 03.12.2011 at about 7:00 P.M., a petty quarrel ensued among the brothers. Due to the said quarrel, A.3, who is second brother of the informant, called A.1, A.2 and A.5 and later all of them beat the informant with hands. Thereafter, all of them compromised before the elders and went to their respective homes. At about 10:00 P.M., when the informant went out from the house for recharging his mobile, A.1 to A.3 and A.5 and another (A.4) attacked the informant with an intention to put an end to his life. A.1 and A.2 stabbed with a dagger on the informant's abdomen, chest and back side, whereas A.3, A.5 and another (A.4) beat with stones with an intention to kill him and sped away from the spot. On hearing the hues and cries his brother Sudesh Singh along with his friend Sudhu Rao shifted him to Osmania General Hospital for treatment. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner submits that the allegations against the petitioner in the charge sheet do not make out an offence punishable under Section 307 IPC and as such, seeks discharge of the petitioner.

5. Learned Public Prosecutor opposed the same contending that all the accused came to the place of incident and stabbed the informant with a dagger on his abdomen and chest.

6. The issue as to whether all the accused shared common intention or not at the time of the attack, is the matter which has to be decided during the course of trial. It cannot be said that the petitioner/A.3 did not share any common intention along with the other accused, who stabbed the informant with a dagger in the abdomen. In view of the allegations made in the charge sheet, wherein the informant was not only stabbed but was beaten with stones, I see no reason to interfere with the impugned order passed by the trial Court.

7. Accordingly, the Criminal Revision Case is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:18.04.2016

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