

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.250 OF 2016

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order, dated 14.12.2015, passed in CrI.M.P.No.1414 of 2015 in S.C.No.258 of 2012 by the Court of the II Additional Metropolitan Sessions Judge, Hyderabad, whereby the learned Sessions Judge dismissed the petition filed by the petitioner seeking to discharge him.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the application of the petitioner as the petitioner's name is not found in the First Information Report (FIR) and he is added as accused only on the basis of the confession of the co-accused and that there is no evidence to connect the accused with the crime.

Admittedly the petitioner and two other accused are charged for the offences under Sections 365, 354, 302, 201 and 120-B IPC read with Section 34 IPC. This is a case of circumstantial evidence. The contention of the learned counsel for the petitioner that there is no evidence to the occurrence and as such, the petitioner can be discharged, cannot be accepted since in a case of this nature, the possibility of eye witnesses are so remote. In the present case, the most important circumstance to add the petitioner as accused is that on the basis of the confession of the petitioner, the deadbody of the deceased was recovered from a place. The same was substantiated by the investigating agency at the time of filing of charge sheet and

the crime vehicle was seized on the basis of the confessional statement of A.1, who is another accused in the case. These two links are most important links to prove the case of the prosecution. Further, the recovery of the deadbody of the deceased on the basis of the confession of the petitioner herein is very much important aspect to the case of the prosecution and as such, the evidence is to be appreciated by the Court below only at the time of trial and hence, this Court is not inclined to interfere with the order of the Court below. This Court is of the view that the Order of the Court below is in accordance with law and that there is no erroneous approach by the Court below in dismissing the application of the petitioner seeking discharge.

The criminal revision case is accordingly dismissed. Consequently, the miscellaneous petitions, if any pending in this revision case, shall stand closed.

JUSTICE RAJA ELANGO

27.01.2016
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