

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1282 OF 2008

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ORDER:

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This Criminal Revision Case is filed by A.1 & A.2 challenging the docket order dated 18.8.2008 in C.C.No.1802 of 2005 on the file of X Metropolitan Magistrate, Cyberabad at Malkajgiri, whereby the learned Magistrate framed charge under Section 498-A IPC against the petitioners herein and other accused.

The main grievance of the petitioners herein is that the petitioners-accused are not given the opportunity to cross-examine the witnesses of the prosecution at the pre-charge stage as provided under Section 244 of Cr.P.C. and without giving such an opportunity, the learned magistrate has framed the charge against the petitioners herein.

Heard and perused the material available on record.

Considering the facts and circumstances of the case, the order under revision is set aside. The trial Court is directed to eschew the evidence recorded in cross-examination of the witnesses of the prosecution and shall take cognizance of the offence if the said evidence in-chief adduced by the witnesses discloses any cognizable offence against the petitioners herein. In case, cognizance of the offence is taken, the trial Court is directed to issue summons to the petitioners herein and on receipt of summons, the petitioners are at liberty to challenge the cognizance of offence taken by the trial Court and it is also left open to the petitioners to file a discharge petition.

The revision is disposed of with the above directions.

Miscellaneous petitions, if any, filed in this revision shall stand closed.

JUSTICE RAJA ELANGO

18.07.2016

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