

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 2321 OF 2016

ORDER :

This Criminal Revision Case came to be filed challenging the committal Order dated 10.08.2016 passed in P.R.C. No.42 of 2016 on the file of the Additional Judicial Magistrate of First Class, Kalwakurthy.

2. The respondent No.2 lodged a private complaint, which was referred to police for investigation, alleging as follows.

She married A.1 as per hindu rites and customs, and at the time marriage, her parents gave cash of Rs.6,00,000/-, 10 tulas of gold, one Hero Honda bike and household articles worth Rs.20,000/- towards dowry. After marriage, both of them lived happily for 2 to 3 months. Thereafter, A.1, at the instigation of A.2 to A.10, started ill-treating and harassing her to bring additional dowry, and also used to beat and abuse her in filthy language. It is further alleged that on 30.12.2015 at about 1.00 AM, A.4, A.6 and A.9 caught hold of legs of the informant, A.5 closed her mouth, A.1 and A.2 poured kerosene on her, and when she raised hue and cries by removing the hands of A.5, her mother and brother woke up and rushed to that room. By that time, A.1 set her on fire. On hearing the cries, other relatives rushed to the scene and extinguished the fire by pouring water.

3. Basing on the same, police registered a case in crime No.28 of 2016 of Vangoor police station, Mahaboobnagar District for the offences punishable under Sections 307, 323, 504, 506, 109 and 498A IPC. After completion of investigation, police filed a charge sheet for the offences punishable under Sections 498A, 323, 504, 506 read with 109 IPC, by deleting Section 307 IPC. Basing on the allegations made in the complaint and having regard to the material filed along with the charge sheet, the learned Magistrate took the case on file for the offences punishable under Sections 307, 498A, 323, 504, 506 read with 109 IPC and committed the case to the Court of Sessions vide the impugned order. Challenging the same, the present revision is filed.

4. Learned counsel for the petitioner mainly submits that a reading of statements of witnesses L.Ws.1 to 4 does not anywhere reveal that the accused had any intention to kill the informant and as such the investigating officer rightly deleted Section 307 IPC.

5. At this stage, it may not be proper to weigh the statements of witnesses examined by police during the course of investigation, more particularly, the statements of L.Ws.1 to 4. However, a perusal of the said statements would go to show that at about 1.00 AM on 30.12.2015, A.4, A.6 and A.9 caught hold of legs of the informant, A.5 closed her mouth and A.1 and A.2 poured kerosene on her. When she raised hue and cries by removing the hands of A.5, her mother and

brother woke up and rushed to that room. But, by that time, A.1 set fire to her. It is further stated that on hearing the cries, other relatives rushed to the scene and extinguished the fire by pouring water. Having regard to the same, the learned Magistrate took cognizance of the case for the offence punishable under Section 307 IPC also, along with other offences, and committed the case to the Court of Sessions, since the said offence is exclusively triable by the Court of Sessions. Taking into account the nature of the allegations made, I am not inclined to interfere with the impugned committal order. However, it is always open to the petitioner to make appropriate application for discharge before the trial Court, in which event, the same shall be dealt with in accordance with law, uninfluenced by any observations made in this order.

6. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions pending if any in this Criminal Revision Case, shall stand closed.

C.PRAVEEN KUMAR, J

12.09.2016
DRK

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2321 of 2016



12.09.2016