

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.414 OF 2016

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ORDER:

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This Criminal Revision Case is filed by the petitioner challenging the order of the Judicial Magistrate of First Class, Kothapeta in dismissing CrI.M.P.No.4040 of 2015 in C.C.No.526 of 2015 filed under Section 239 Cr.P.C. seeking to discharge the petitioner-accused of the charge under Section 382 IPC.

In C.C.No.526 of 2015 the petitioner is being tried for the offence under Section 382 IPC. Pending the C.C., he filed CrI.M.P.No.4040 of 2015 to discharge him of the charge contending that he is not the actual person who is arrayed as accused and he is wrongly arrayed as accused, arrested by the police and produced before the Court concerned. Thus it is his contention that the name mentioned in the F.I.R., charge sheet and the petitioner, who is arrested and produced before the Court are not one and the same. The trial Court by the impugned order dismissed the application without conducting proper enquiry.

Considering the seriousness of the allegation, the impugned order is set aside and the matter is remanded to the trial Court and the trial Court shall conduct an enquiry to ascertain the fact whether or not the petitioner herein is the person, whose name is mentioned in the complaint lodged in 1998 with the assistance of concerned Tahsildar, Panchayat Secretary, Village Revenue Officer etc., and decide the issue and pass appropriate orders in accordance with law.

The revision is disposed of accordingly. Consequently, pending miscellaneous petitions shall stand closed.

JUSTICE RAJA ELANGO

15.06.2016

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