

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3321 OF 2015

ORDER:

The petitioners/A.4 and A.5 have preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) challenging the cognizance of proceedings in C.C.No.1354 of 2015 on the file of the Judicial Magistrate of First Class, Nidamanoor, on the complaint filed for the offence under Sections 420, 468 and 471 IPC.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petitioners are not involved in any of the offences alleged against them and as such, the Court below has erred in taking cognizance of the case against the petitioners herein.

This Court is of the view that if the petitioners are intended to adduce any evidence to show that they have not committed any offence, they can do so by way of filing of any application along with the evidence adduced. The learned Magistrate has taken the cognizance of the case as there is a *prima facie* case against the petitioners herein. Whether the petitioners are involved in the offences as alleged against them or not can be decided while dealing with the discharge application.

Considering the nature of allegations and also as the question of identity of the petitioners/A.4 and A.5 does not arise, the presence of the petitioners/A.4 and A.5 before the trial Court is dispensed with except on the dates when the trial Court insists for their appearance. Further, the petitioners herein are given liberty to file an application before the Court below with all the relevant documents and necessary evidence seeking discharge and the Court below is directed to dispose of such application as expeditiously as possible in accordance with law.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

05.01.2016
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