

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2102 of 2016

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ORDER:

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1) Aggrieved by the order dated 30.05.2016 passed in CrI.M.P.No.10 of 2015 in S.C.No.343 of 2014 on the file of the Principal Assistant Sessions Judge, Nandyal, the present revision is filed by the petitioner, who is accused No.13 in the above case.

2) The facts in issue are as under:

3) On the basis of report given by one Tulasi Reddy a case in Crime No.195 of 2013 of Nandyal Taluq Police Station, came to be registered for the offences punishable under Sections 147, 148, 324, 307 read with 149 IPC and Section 25 (1B) (b) of the Arms Act. Police investigated into the crime and filed a charge sheet against fourteen accused. The averments in the charge sheet would show that on 23.07.2013 at about 7.30 a.m. the informant and LWs.1,3 and 4 and others were chit chatting in the varandah of the house of the informant. At that time, accused Nos.1 to 14 who formed themselves into an unlawful assembly, armed with hunting sickles, knives and stones and with a common intention to kill the injured (LW1) came to the house of the informant. Accused No.1 hacked on the right leg of the informant with knife causing a bleeding injury, accused No.2 is alleged to have hacked below the left eye of LW.1 with a hunting sickle causing a bleeding injury, accused No.3 hacked below the right knee of LW.1 with hunting sickle, accused No.4 threw the hunting sickle on LW.1, accused No.5 pelted stone on LW.1, accused Nos.6 to 8 hacked on the left knee of LW.3, accused Nos.9 to 14 took stones and attacked LWs.1 to 4, in that attack LW.4 sustained bleeding injury below the left eye due to hit of a stone. After filing of the charge sheet, the case was committed to the

Court of Sessions and the learned Sessions Judge took cognizance of the case as S.C.No.343 of 2014. The petitioner, who is accused No.13 filed Crl.M.P.No.10 of 2015 seeking discharge. The said application was dismissed by the trial Court. Challenging the same, the present revision is filed.

4) Learned counsel for the petitioner submits there are no specific overt acts attributed to the petitioner and since it is a case and counter case, trying the petitioner for the offences alleged would not arise. The same is opposed by the learned Public Prosecutor.

5) As seen from the averments, initially accused Nos.1 to 14 formed themselves into an unlawful assembly with a common object to kill the injured and came to the house of LW.2. It is alleged that accused No.1 hacked on the right leg of the informant with knife, accused No.2 is alleged to have hacked below the left eye of LW.1 with hunting sickle, accused No.3 hacked below the right knee of LW.1 with hunting sickle, accused No.4 thrown the hunting sickle on LW.1, accused No.5 pelted stone on LW.1, accused Nos.6 to 8 hacked on the left knee of LW.3, accused Nos.9 to 14 took stones and attacked LWs.1 to 4, in which LW.4 sustained bleeding injury below the left eye due to hit of a stone. Even assuming for the sake of argument that it is a case and counter, the issue as to whether the injury sustained by LW.4 below his left eye caused by a stone pelted by the petitioner or not is triable issue. Therefore, the plea taken by the learned counsel for the petitioner that no specific overt act is attributed to the petitioner cannot be accepted.

6) At this stage, learned counsel for the petitioner submits that since the petitioner is a practicing advocate in Nandyal his presence in S.C.No.343 of 2014 may be dispensed with.

7) Having regard to the nature of allegations made and taking into consideration that the petitioner is a practising advocate, his presence in S.C.No.343 of 2014 on the file of the Principal Assistant Sessions Judge, Nandyal, is hereby dispensed with except on the dates when his

presence is very specifically required by the Court. Further the trial Court shall dispose of the S.C. as expeditiously as possible.

8) With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.08.2016

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