

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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Crl.R.C.M.P.No.691 of 2016

IN/AND

CRIMINAL REVISION CASE No.1220 OF 2016

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ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., questioning the docket order dated 30.09.2015 in C.C.No.304 of 2009 on the file of the I Additional Judicial Magistrate of First Class, Khammam, wherein the application filed by the accused, except A.5, for their absence was allowed and the matter was adjourned in view of the representation made by the learned counsel for the accused that stay is pending.

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2. The grievance of the petitioner appears to be that the accused are dragging the matter by representing that there is a stay granted by this Court in Crl.R.C.M.P.No.764 of 2014 in Crl.R.C.No.454 of 2014.

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3. Learned counsel for the petitioner submits that since the informant died, his legal representatives may be permitted to contest the matter before the trial Court and accordingly, filed Crl.R.C.M.P.No.691 of 2016 before this Court.

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4. As seen from the record, a private complaint was filed under Section 200 Cr.P.C., which was referred to the police under Section 156(3) Cr.P.C. Pursuant to the said reference, a case in Cr.No.216 of 2008 came to be registered for the offences punishable under Sections 423, 425, 441, 464 read with 34 IPC. After investigation a charge sheet came to be filed, which was numbered as C.C.No.304 of 2009. Pending trial, learned Public Prosecutor filed an application under Section 311 Cr.P.C., to recall a witness, which was allowed. Aggrieved by the same, the accused filed Criminal Revision Case No.454 of 2014 and obtained interim stay on 20.03.2014 for a period of

three (03) weeks, which was extended by six (06) weeks on 07.04.2014 with a direction to post the matter after Summer Vacation, 2014. Finally, on 30.04.2015 the said Criminal Revision Case was dismissed.

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5. If really the Court has adjourned the matter on the ground of stay in Crl.R.C.No.454 of 2014, nothing prevented the informant to bring it to the notice to the Court through the Public Prosecutor that the said revision case was dismissed. If really the petitioner intends to contest the matter he has to invoke the provisions of the Cr.P.C., and avail an appropriate remedy, but he cannot file an application directly before this Court, to come on record in the said C.C., as L.R., of the deceased informant.

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6. With the above observation, Crl.R.C.M.P.No.691 of 2016 and the Criminal Revision Case (SR) No.46824 of 2015 are disposed of giving liberty to the petitioner to avail the remedies available under law. Consequently, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:27.04.2016
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