

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.243 of 2016

ORDER:

The petitioners filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the docket order, dated 31.10.2015, passed in PRC No.53 of 2015 by the Special Judicial Magistrate of First Class, (Prohibition & Excise) Mahabubnagar, whereby the learned Magistrate has taken cognizance against the petitioners for the offences punishable under Sections 323 and 504 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act').

Heard and perused the material available on record.

The de facto complainant- 2nd respondent lodged a complaint on 25.03.2013 against the petitioners before the Court of Special Sessions Judge, SC/ST (PoA) Cases, Mahabubnagar, alleging offences under Sections 323 & 506 IPC and 3 (1) (x) of the Act. The said complaint was forwarded to the Rural PS., Mahabubnagar for investigation and after completion of investigation into the matter, the Sub-Divisional Police Officer, Mahabubnagar, filed final report before the Judicial Magistrate of First Class, Mahabubnagar, by closing the case as 'False.' Aggrieved by the same, the 2nd respondent filed protest petition before the Judicial Magistrate of First Class, Mahabubnagar. The learned Magistrate, through the impugned order, took cognizance of the offences punishable under Sections 323 and 504 IPC and 3 (1) (x) of the Act, against the petitioners. Aggrieved over the same, the present revision is filed by the petitioners.

After arguing for some time, the learned counsel for petitioners confined his argument only to the extent of dispensing with the presence of the petitioners before the trial Court.

Considering the facts and circumstances of the case, the presence of the petitioners is dispensed with before the committal Court except on the date on which the committal Court intends to commit the case to the Court of Sessions. If the petitioners are on bail, the same can be continued, otherwise on appearance before the Sessions Court, the petitioners are directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to the satisfaction of the Sessions Court concerned, and also are at liberty to file a discharge petition. On such petition being filed, the Sessions Court concerned is directed to consider the same and pass appropriate orders in accordance with law.

Accordingly, the Criminal Revision Case is disposed of.
Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

January 27, 2016.

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