

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.3278 of 2016

ORDER:

The revision petitioner is the 2nd accused among the 6 accused of S.C.No.450 of 2015 on the file of learned Metropolitan Sessions Judge, Hyderabad. It is for the offence under Section 364-A IPC read with Section 34 IPC outcome of crime No.4 of 2014 dated 02.01.2014. The police having registered the crime after investigation filed final report that was taken cognizance by the learned Magistrate and the case was committed to the Court of Session invoking Section 209 Cr.P.C. and the learned Sessions Judge has taken on file under Section 193 Cr.P.C. by cognizance for said offence against accused persons.

It was in the course of hearing before charges, from the discharge sought by the accused persons, particularly now concerned with CrI.M.P.No.586 of 2016 filed by the 2nd accused, by the impugned order dated 06.04.2016, his discharge petition was dismissed by the learned Sessions Judge. It is impugning the same, the 2nd accused/petitioner supra maintained the revision.

It is one of the contentions of the learned counsel for the revision petitioner/A.2 that there is no basis to sustain the accusation and there is proof even for the role of A.2 directly involved in the alleged crime with other accused and trial Court ought to have discharged the petitioner/A.2 and thereby sought for allowing the revision by setting aside the dismissal of the discharge application filed by him.

It is the submission of the learned Public Prosecutor representing the State that the impugned order no way requires interference and from perusal of the FIR contains all the names and from the statements of the prosecution witnesses showing accusation and thus the impugned order of the lower Court show application of mind to the facts for there is prima facie accusation against A.2/petitioner and thereby sought for dismissal of the revision.

Heard and perused the material on record.

The victim examined as LW.3 by name Sandra Kumar stated that Dayanand @ Daya and his brother Muni Krishna and Sreenivas Reddy informed Damodhar Reddy (A.2) about the custody of victim with them because Damodhar Reddy promised to rearrange money from him if he is traced and immediately Damodhar Reddy arrived at the house of Sreenivas Reddy and started threatening to kill him, if the dues of P.Dayanand Chowdary @ Daya and K.Sreenivas Reddy are not cleared.

This statement of the victim is very clear of his witnessing the petitioner/A.2-Damodhar Reddy came to the house of A.4-Sreenivas Reddy and not only that said Damodar Reddy threatened the victim to clear dues of A.4 and Dayanand Chowdary (A.1), else he would be killed.

Apart from it there is a statement of Sandra Shankaraiah of he received a phone call from Kumar's phone on 31.12.2013 informing that he was forcibly kept in a hostage in some unknown location by Dayanand Chowdary, Gopi, Damodar Reddy, Sreenivas

Reddy, Pruthviraj and Pramod. Even LW.2 statement also speaks the same all to support the versions so also from LW.4.

Once such is the case when the victim stated and corroborated by one at least leave about others, the Court did not commit any illegality in dismissing the discharge application and by framing charges against the petitioner (A.2) also and thereby for this Court there is nothing to interfere.

Accordingly and in the result, the criminal revision case is dismissed. However it is made clear that the observations of the lower Court no way prejudice to the defence of the accused or any other right to pursue.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.01.2017
ska

