

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.825 of 2017

ORDER:

Heard learned counsel for the revision petitioner/accused No.1 and also the learned Public Prosecutor representing the State.

It is impugning the dismissal order dated 09.01.2017 of the discharge petition filed under Section 239 Cr.P.C. in unnumbered petition i.e., S.R.1923/2016 in pending C.C.No.223 of 2015, the revision is maintained.

The observation in rejecting the unnumbered petition by the lower Court is earlier such a petition filed pleading alibi. Once that was dismissed on merits, the 2nd application is not maintainable. In fact it is the duty of the Court from the perusal of entire prosecution material on the face value as to making out a case to frame a charge or not irrespective of discharge petition filed by the accused or not. Once such is the case even the discharge petition is otherwise not filed, the Court is bound to consider.

With these observations, the revision is disposed of directing the lower Court to consider the pleas being raised by the accused persons while framing charges.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.04.2017
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