

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.909 OF 2017

ORDER:

The revision petitioners are accused Nos.1, 2, 4 to 7, impugning the charges 3 to 6 framed for the offences under Section 307 of I.P.C., against A4 and Section 307 r/w 149 of I.P.C., against others, insofar as the attack on the victim L.W.1-D.Srinivasa Reddy concerned and for the offence under Section 307 against A5, A6 & A7 and against others under Section 307 r/w 149 of I.P.C., insofar as the attack on L.W.10 K.Veera Reddy concerned, sought for modification by altering and deleting those charges in CrI.M.P.No.45 of 2017.

2. The trial Magistrate, after hearing, by the impugned order dated 09.03.2017, dismissed the application saying there are no grounds to alter the charges, much less to delete those four charges out of the six charges.

3. The contentions in the grounds of revision are that the learned trial Magistrate failed to appreciate the fact that even from the face value of the averments of the charge sheet particularly at Page No.3, there is nothing to indicate any intention on the part of the accused persons, particularly these petitioners A1, A2, A4 to A7 to kill or make an attempt to kill either L.W.1-D.Srinivasa Reddy or L.W.10-K.Veera Reddy, as the case may be and lower court failed to

appreciate these facts and should have been allowed the deletion of the charges 3 to 6, hence to allow the revision setting aside the dismissal order.

4. Whereas, it is the submission of the learned public prosecutor representing the State that the impugned order of the lower court no way requires interference as supported by reasons to the conclusion of the charges rightly framed originally and there are no grounds, much less, to delete the charges 3 to 5 or 3 to 6 as the case may be.

5. Heard, perused the material on record, including the impugned order of the lower court.

6. A fact finding requires during trial and thereby what the lower court observed in dismissing the application to delete the charges 3 to 6, no way requires interference, but for to say, that observation either of the lower court or of this Court in sitting in revision shall not influence the mind of the trial court much less weaken the defence of the accused.

7. Accordingly and with the above observation, this criminal revision case is dismissed. Miscellaneous petitions pending, if any, in this case shall stand closed.

DR.B.SIVA SANKARA RAO,J

11.04.2017
SS