

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2375 of 2015

ORDER :

The present Criminal Revision Case is filed by the petitioners, who are A.1 and A.2, aggrieved by the order dated 18.09.2015 in CrI.M.P.No.48 of 2015 in S.C.No.353 of 2010 passed by the XIII Additional District and Sessions Judge-cum-XIII Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, dismissing the petition filed under Section 227 of Cr.P.C., seeking their discharge.

2. The revision 2nd respondent is no other than the mother of the deceased-S.R. Suresh and mother-in-law of A.1 and Viyyapuralu of A.2. The deceased is the husband of A.1 and son-in-law of A.2. Their relationship is not in dispute. Crime No.562 of 2009 was registered by the S.H.O., Uppal Police Station, for the offence punishable under Section 306 IPC against A.1 and A.2 for the unnatural death of the deceased by committing suicide and the police after investigation filed final report showing prima-facie accusation against A.1 and A.2 and the learned Magistrate, after judicial application of mind, taken cognizance and committed the case to the Court of Sessions and the learned Sessions Judge after taking cognizance from the supply of copies to the accused and in the course on hearing on their application supra seeking discharge, dismissed the same holding that there is a prima-facie accusation from the material placed on record by the prosecution to say that A.1 and A.2 are liable to face trial for framing of charge under Section 306 IPC.

3. The contentions in the grounds of revision are that to attract the very ingredients of Section 306 IPC, the prosecution has to satisfy the requirements of one of the 3 limbs to be read with 2 Explanations of Section 107 IPC and there is no source of abatement under any of the 3 limbs much less within the definition or expanded explanatory meaning therein and once there is no abatement, there is no question of taking cognizance, leave about to frame a charge for no prima-facie material and the Court below committed a grave error in ignoring the expressions placed reliance even instead of discharge, in dismissing the discharge application.

4. Whereas, it is the submission of the learned Public Prosecutor appearing for the 1st respondent-State that even in the opening words in the letter of the deceased running into 5 pages, in detail, the acts of the Accused that driven him to commit suicide are suffice to say that there is prima-facie material, thereby there is nothing to interfere with the impugned dismissal order of the discharge application filed by the revision petitioners unsuccessfully before the Court below.

5. Heard learned counsel for the respective parties and perused the material on record.

6. The material required for trial and proof of accusation to find guilty of the Accused after full dressed trial is different from the material required and placed reliance by the prosecution from acceptance and once there is a prima-facie accusation that is suffice to frame charge and the Court need not dwell into much less anticipate the ultimate chances of conviction or not of the Accused. Once the principle of law is kept in mind with reference to the

prosecution material as per the settled law and from the material on record and from the investigation, particularly with reference to the suicide note, there is prima-facie accusation so far as A.1, who is the wife of the deceased, is concerned, though there is no material so far as A.2, who is father-in-law of the deceased, is concerned.

7. Having regard to the above, this Criminal Revision Case is allowed in part, while upholding the impugned order dated 18.09.2015 of the dismissal of discharge application against 1st revision petitioner/A.1, however, setting aside the said order and allowing the discharge application so far as the 2nd revision petitioner/A.2.

8. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed.



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22.02.2017.
Msr

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