

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1878 of 2016

ORDER :

Aggrieved by the docket order dated 16.06.2016 in Crime No.78 of 2016 passed by the I Additional Judicial Magistrate of First Class, Godavarikhani, Karimnagar District, this revision is filed by the petitioner/ de facto complainant.

2. Despite service of notice, respondent Nos. 2 and 4 failed to attend. The notice sent to respondent No.3 unserved as left, thereby, held sufficient service, hence, taken as heard.

3. Heard the learned counsel for the petitioner and also the learned Public Prosecutor and perused the impugned docket order, wherein the learned Magistrate, while remanding A1 to A3, who were produced before him with remand report on 16.06.2016 in saying offence under Section 354 I.P.C. not made out but for Sections 323 and 506 r/ w 34 I.P.C. and there from granted bail after remanded them to judicial custody by enlarging them, subject to conditions by treating the same as bailable offence because Part-I of Section 506 I.P.C at best shown taken and not Part-II of Section 506 I.P.C. It is impugning the observations,

particularly of Section 354 I.P.C. not attracts, the revision is maintained. What the learned Magistrate with the remand report taken to the custody of prima facie accusation is not an observation neither influence the investigating agency of the case pending investigation to file final report there from, nor even that Court in subsequent proceedings including from any police final report. As held by the Apex Court in Sakri Vasu Vs. State of Uttar Pradesh¹, the Magistrate got power under Sections 156 and 157 Cr.P.C. including to direct further investigation or to know the progress of investigation.

4. Accordingly, the Criminal Revision Case is disposed of with the above observations that said order of the Magistrate no way prejudice the right of the petitioner/ de facto complainant, so called victim and if at all aggrieved, to move for either cancellation of bail, subject to grounds, or to file memo before the learned Magistrate to direct the police to know the progress of investigation.

5. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:21-02-2017
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¹ 2008 (2) SCC 409