

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9343 of 2017

ORDER:

Heard.

Though the police registered the crime for the offence u/sec.307IPC what the allegations of the so called smothering are from the child crying chased by the petitioner/accused and she fled away to the underground portion, the accused held her tuft and beat her and not even mentioned as to any injuries sustained and undergone any treatment and in which hospital if at all.

The report was dated 21.08.2017 that too after 4 days of the alleged occurrence dated 17.08.2017.

Having regard to the above, that too, for nothing to show any physical injuries much less visible much less supported by medical certificate, it is a fit case to refer to the committee to be constituted for report to consider any reconciliation and settlement and if it is not settled, then to proceed with trial on merits, in view of the order of this Court dated 31.07.2017 in CrI.P.No.6493 of 2017 relying upon the latest two Judge Bench expression of the Apex Court dated 27.07.2017 in CrI.A.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in **Rajesh Sharma & Others Vs. State of U.P. & Another**).

Accordingly and in the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

Dr.JUSTICE B.SIVA SANKARA RAO

Date: 06.10.2017

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