

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2488 OF 2017

JUDGMENT:

The present Criminal Revision Case is preferred by accused under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Code'), aggrieved over the order, dated 04.09.2017 in CrI.M.P. No.7097 of 2016 in C.C. No.214 of 2011, passed by the learned XIII Additional Chief Metropolitan Magistrate (Mahila Court), Hyderabad, whereby and where-under the request made under Section 239 of the Code by the accused to discharge him for the offence punishable under Section 498-A of IPC registered against him on the complaint given by respondent No.2 herein claiming herself as his wife, was rejected dismissing the application.

2. Heard Sri Osman Shaheed, learned counsel for the revision petitioner - accused, and the learned Additional Public Prosecutor for the State of Telangana. Of course, the present Criminal Revision Case is disposed of at the admission stage having felt that the arguments advanced by the learned Additional Public Prosecutor would suffice rather than issuing notice to respondent No.2 - *de facto* complainant.

3. The main submission of the learned counsel for the revision petitioner is that the Aadhar Card though, shows the name of Mohd. Ali, husband of respondent No.2, but, in fact, the cause title would

clearly show that the name of accused as Ghulam Mohammed. Therefore, it is his submission that the charge is groundless and it is directed against stranger just by taking the similarity in the name of husband described by respondent No.2 partly with the name of accused.

4. In fact, the revision petitioner has not filed his Aadhar Card. Had he filed Aadhar Card, this Court would have arrived at a definite finding that the finding recorded by the learned Magistrate is correct or not. The learned Magistrate, somehow, overlooked the same.

5. Therefore, while setting aside the order under challenge, Crl.M.P. No.7097 of 2016 in C.C. No.214 of 2011 is restored, directing the learned Magistrate to dispose of the same by affording an opportunity to both sides. The revision petitioner - accused is also directed to file Aadhar Card, Pan Card and Pass book relating to the account maintained in the bank, electricity consumption receipt/bill before the learned Magistrate within a fortnight from today, and the learned Magistrate is directed to dispose of the said application within fifteen (15) days thereafter.

4. The present Criminal Revision Case is, therefore, allowed as indicated in the above, remitting the matter to the learned Magistrate.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

December 06, 2017.

- Note:** 1. The Registry is directed to dispatch the copy of order to the learned Magistrate Court by 08.12.2017.
2. Furnish C.C. of order by tomorrow.
(B/O.) Mgr

