

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4955 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.2 to 5 of S.C.No.308 of 2014 on the file of I Additional Sessions Judge, Rajahmundry, for the offence under Sections 376, 417 & 420 IPC and Section 4 of Dowry Prohibition Act in all against 5 accused.

The grievance of the petitioners herein is that despite CrI.M.P.No.15 of 2015 filed by them under Section 227 Cr.P.C. in said S.C. seeking to discharge, without considering and without disposal of the same, the learned Sessions Judge framed charges under Section 228 Cr.P.C. from the hearing of learned Public Prosecutor and accused as contemplated under Sections 226 & 227 Cr.P.C.

In fact the learned Sessions Judge is supposed to pass an order in the pending application by dismissal, if at all the contentions raised are untenable, in framing the charges.

Having regard to the above and otherwise also, the petitioners also got a right to bring to the notice of the Court under Section 216 Cr.P.C. for the Court to consider if at all for any modification of the charges includes deletion of any existing charge by giving liberty to the petitioners to make such an application for the lower Court to dispose of CrI.M.P.No.15 of 2015 with reference to the same also invoking Section 216 Cr.P.C. if at all there are tenable grounds to delete any charge and to pass orders.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 03.08.2017
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