

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Criminal Revision Case no.1598 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code') is filed by the proposed accused having been aggrieved of the action of the learned Judicial Magistrate of First Class, Kovvur, in ordering notice to the petitioner/ accused in CrI.M.P.no.257 of 2012 in C.C.no.317 of 2015, filed under Section 319 of the Code by the complainant through the Public Prosecutor with a request to add the present petitioner/ proposed accused, who is the son of the first accused as additional accused in the above calendar case.

2. I have heard the submissions of the learned counsel appearing for the petitioner. I have perused the material record.

3. Learned counsel appearing for the petitioner submits that the petitioner was initially arraigned as one of the **accused**, but, later while filing the charge sheet, his name was deleted and that without any further or additional material, the prosecution is making a request to implead the petitioner though he was earlier deleted from the array of the accused and that absolutely, there is no reason or material or ground much less a strong case for the trial Court to have entertained the aforesaid petition and ordering notice. Therefore, he prays to quash the notice issued to the proposed accused/ petitioner herein.

4. Having regard to the facts and submissions, this Court is of the considered view that no order affecting the interests of the petitioner/ accused is yet passed by the trial Court; but, only a notice was issued on the application filed by the complainant through the learned Public Prosecutor and, therefore, the petitioner can raise all the contentions, which are now raised, before the

trial Court as well, and pray for dismissal of the application/ Crl.M.P.no.257 of 2012.

5. In that view of the matter, the Criminal Revision Case is disposed of giving liberty to the petitioner to raise before the trial Court all the contentions, which the facts and law permit, and resist the application in Crl.M.P.no.257 of 2012. It is made clear that the trial Court shall give an opportunity to the petitioner to file a counter and then consider all such contentions of the petitioner/ accused before disposing of the afore-stated application in accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed.

22nd June, 2017
RAR



M. SEETHARAMA MURTI, J