

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**CRIMINAL REVISION CASE No.2004 of 2017**

**ORDER:**

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ("the Code" for brevity) is filed by the petitioner/A1 having been aggrieved of the docket order, dated 20.06.2017, of the learned Judicial Magistrate of First Class, Darsi, passed in C.C.No.143 of 2017.

1.1 By the said orders a Non-Bailable Warrant was issued against the petitioner/A1 after the case was taken cognizance for the offences punishable under Sections 324, 326, 506 r/w 34 IPC despite the fact that the final report was filed by the Investigating Officer/Sub-Inspector of Police, Mundlamur Police Station, in Crime No.60 of 2016 opining that LWs.5 to 11, who are direct witnesses to the occurrence, stated in their statements that petitioner/A1 has not participated in the quarrel and that due to political grudges the case was foisted.

2. Learned counsel for the petitioner would submit as follows:

The learned Magistrate erroneously has taken cognizance against the petitioner/A1, though there is no material or *prima facie* case, much less a strong case, showing the complicity of the petitioner/A1. Further, the statements of eye witnesses and the opinion of the Investigating Officer in the final report also reflect that the petitioner/A1 was not involved in the crime and that the case was foisted due to political grudges. Pursuant to the order taking cognizance, a Non-Bailable Warrant was issued against the petitioner, while issuing summons to the other accused who are on bail. Therefore, the petitioner is aggrieved. In the facts and circumstances of the case, the

orders taking cognizance are liable to be set aside and the Non-Bailable Warrant issued against petitioner/A1 is to be recalled.”

3. The learned Public Prosecutor appearing for the State of Andhra Pradesh would submit as follows:

“LWs.1 to 4 in their statements spoke about the presence of A1 at the scene. The defence that the case was foisted due to political rivalry requires examination, on merits, after full fledged trial. On the ground that there is political rivalry, the orders of the learned Magistrate, which were passed after giving detailed and thoughtful consideration to the material brought on record by the Investigating Agency, need not be set aside. The petitioner/A1 is not entitled for any relief and the revision is liable to be dismissed.”

4. At the hearing, the learned counsel for the petitioner having argued the matter for some time, stated that in case, this Court is not inclined to grant the main relief to the petitioner/A1, he may be permitted to approach the trial court and surrender and seek appropriate orders for grant of bail and that his interests may be protected till appropriate orders are passed on his bail application, which he intends to file before the trial Court.

5. Having regard to the facts and submissions, this Criminal Revision Case is disposed of at the stage of admission directing the petitioner/A1 to surrender, within two weeks from today, before the Court of the learned Judicial Magistrate of First Class, Darsi, and apply for grant of bail by following the procedure established by law. It is made clear that till disposal of the bail application, which the petitioner is directed to file within two weeks from today, the Non-Bailable Warrant, which was issued against him, shall remain in abeyance.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE M.SEETHARAMA MURTI**

July 17, 2017

**Note:-**

**Furnish copy by 18.07.2017.**

**{B/o}**

**Lmv**

