

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.33 of 2017

ORDER:

Impugning the order of the learned I Addl. Assistant Sessions Judge, Warangal, dated 19.12.2016, in CrI.M.P.No.269 of 2016 in S.C.No.468 of 2012, the accused persons 2 and 4 filed the revision. It was an application under Section 216 Cr.P.C., filed by the prosecution.

The learned Judge, at the post-cognizance stage and after the framing of charges entertained the application to amend the charges to include A.2 and A.4 also along with A.1 for the offence under Section 354 IPC. In the impugned order, the learned Judge observed that very perusal of the report of the de-facto complainant read with the statements of the witnesses together, there is an accusation prima facie against the petitioners also for the offence under Section 354 IPC.

The contentions in the grounds of revision vis-à-vis the oral submission in impugning the same are that the learned Judge did not apply his mind and the amendment of the charge to include A.2 and A.4 for the offence under Section 354 is unsustainable and is liable to be set aside as an outcome of non-application of mind.

The learned Public Prosecutor, on the other hand, supported the order.

Heard. Perused the material on record.

The very report of the de-facto complainant in setting the law in motion vis-à-vis statements during the investigation shows that A.1

and his followers committed offences, including outraging the modesty of the de-facto complainant. The statement of L.Ws.6, 7 and 8 are clear with reference to L.W.1 supra of specific claims among the followers A.2 to A.4, leave about one Mr. Ramesh, when from reading of the material on record, the Court has got power under Section 216 Cr.P.C., to amend the charge till pronouncement of judgment, there is nothing to interfere with the impugned order.

In the result, the revision is dismissed. However, this shall no way prejudice the defence of the accused during trial.

Miscellaneous petitions if any pending in the revision stand closed.

March 21, 2017
MRR

Dr. B. SIVA SANKARA RAO, J

