

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2760 of 2017

ORDER:

Questioning the refusal to discharge the petitioners, who are arraigned as Accused Nos.2 to 4, by order dated 08.06.2017, passed by the I-Additional Metropolitan Sessions Judge, Visakhapatnam, in CrI.M.P.No.65 of 2016 in CrI.A.No.56 of 2015 filed under Section 227 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), for the offences punishable under Sections 302 and 498-A read with Section 109 of IPC, the present Criminal Revision Case is preferred under Sections 397 and 401 of the Code.

Heard Sri M. Shiva Kumar, learned counsel for the revision petitioners.

The learned Sessions Judge, referring to the petition averments in the aforesaid CrI.M.P and the counter filed by the State, formulated the point for determination and by referring to the rulings relied on by the petitioners in paragraphs '9' to '13' and the ruling relied on by the State in paragraph '14' and also the material on record, observed that the statements of the witnesses recorded during investigation would make out a *prima facie* case to frame charges and even dying declaration made by the deceased, recorded initially, by the Investigating Officer, and the statements of the children of the deceased and the neighbours would suffice to show that there is *prima facie* case regarding harassment by accused No.1 and instigation by

accused Nos.2 to 4 and, thereby, rejected the request of the revision petitioners.

Perused the complaint given by Sai Vani Prasanna, d/o. Srinivasurao, aged 16 years, who is no other than the daughter of accused No.1 and the deceased. She, in fact, referred to the names of accused Nos.2 to 4, the petitioners herein, at whose instigation her father, who is accused No.1 and not a party to the present case, subjected the deceased to cruelty both, physically and mentally. Her statement further shows what transpired in pouring kerosene and setting fire to the deceased by her father. Certainly, it is not a case to discharge the revision petitioners, as there is *prima facie* material finding place to frame the charges alleged against the petitioners.

Though, the learned counsel for the revision petitioners mainly based on the dying declaration stating that it only directs against accused No.1, but not against the revision petitioners herein, but, however, the statement of the daughter of the deceased and accused No.1 is sufficient even at this stage to hold that there is *prima facie* material to proceed with the framing of charges alleged by the prosecution against the revision petitioners. There is no infirmity in the order passed by the learned Sessions Judge. There is no merit in the present revision case.

Accordingly, the present Criminal Revision Case is dismissed.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

A. SHANKAR NARAYANA, J

26.12.2017

v v

