

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2692 OF 2017

JUDGMENT:

No representation for the revision petitioners - accused Nos.1 and 2 viz., Kondeti Srinivasa Rao and Kondeti Viswanath, respectively.

2. The present Criminal Revision Case is filed questioning the refusal of request to discharge the revision petitioners.

3. The offences alleged against the revision petitioners are punishable under Sections 324 and 341 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC'). In fact, it is seen from the order that the offences originally clutched were under Section 323 read with Section 34 of IPC. Though, the revision is filed stating that even according to the *de facto* complainant's statement, petitioner No.1 has not hurt him, and, therefore, the relevant provisions would not attract.

4. A perusal of the order under challenge would clearly show that the learned Magistrate opined that unless trial is conducted and evaluated the evidence to be produced by the prosecution, the question of discharge does not arise. Further reason assigned is that in a summons case, discharge does not arise. Though, the second reason appears to be somewhat doubtful, so far as the offence punishable under Section 323 IPC is concerned, when the weapon of offence is

also mentioned, whether the said weapon would amount to a dangerous weapon as could be brought within the fold of Section 324 of IPC, could only be examined after a full-fledged trial takes place by examining the relevant witnesses including the injured. In such an event, certainly, the order passed by the learned Magistrate cannot be faulted.

5. Even a perusal of the charge sheet would show that in the list of witnesses, medical officer is cited as one of the witnesses as LW.6 to speak in regard to the wound certificate issued so far as the injuries sustained by the *de facto* complainant, LW.1, is concerned. Thus, there is no merit in the present revision.

6. Therefore, the Criminal Revision Case is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision stand dismissed.

A. SHANKAR NARAYANA, J

November 20, 2017.
PV