

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3275 OF 2017

ORDER:

The present Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is preferred by accused Nos.2 and 3 questioning the order, dated 12.10.2017, in CrI.M.P.No.1185 of 2017 in C.C.No.495 of 2016 on the file of learned Judicial Magistrate of First Class, Jagtial, whereby and whereunder, the learned Magistrate refused to discharge the petitioners, while dealing with a petition, under Section 239 of the Code, seeking discharge.

2. Heard Sri G. Rama Chandra Reddy, learned counsel for the petitioners, and the learned Special Public Prosecutor for the State of Telangana.

3. The main submissions of the learned counsel for the petitioners are, firstly, that there are no allegations, worth the name, to make out a case for the offences alleged against the petitioners. Second, that the *de facto* complainant used to harass her husband – accused No.1 for getting the plots registered on her name and only to harass the petitioners and accused No.1, she filed a private complaint before the police, as borne out from the averments in the present complaint. The third submission is that one month after sustaining the injuries, the *de facto* complainant was referred to the hospital and the doctor's certificate was obtained with inordinate delay and the

petitioners never harassed or beat the *de facto* complainant, as mentioned in the complaint and the statements recorded by the police.

4. Learned Special Public Prosecutor would submit that there is positive evidence even at this stage to make out a case for the offences alleged against the petitioners.

5. A cursory glance at the complaint would clearly show the overt acts of the petitioners herein even at this stage. There is no need to refer to each and every allegation mentioned in the complaint directed against each of the petitioners herein. So is the statement of PW.1 recorded by the Investigating Officer under Section 161 Cr.P.C. In the face of these allegations, the submissions made by the learned counsel for petitioners requires a test and that can be done only after a full-fledge trial takes place. Hence, there is no merit in the present revision case and the order passed by the learned Magistrate does not suffer from any infirmity.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA, J

December 19, 2017.
MD