

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.3001 of 2017

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'the Code') aggrieved over the order refusing to discharge the revision petitioner in an application filed by him under Section 227 of the Code.

2. The aforesaid order was passed by the learned Assistant Sessions Judge, Jagtial, on 23.10.2017 in Criminal M.P.No.85 of 2017 in S.C. No.534 of 2016.

3. Heard Sri Venkateshwar Varanasi, learned counsel for the revision petitioner and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioner mainly submits that the ingredients of Section 354 and 354A of I.P.C. are not attracted even as per the complaint, and the statements of witnesses recorded under Section 161 of the Code also do not attract, and, in fact, there has been civil litigation between the parties since the Senior Paternal Uncle of the petitioner filed a suit in O.S. No.11 of 2016 on the file of Principal Junior Civil Judge, Jagtial, against the mother of the *de facto* complainant and others for perpetual injunction, and even a *status quo* order was granted in I.A. No.33 of 2016, and, subsequently, *ex parte* decree was passed on 31.8.2016 in O.S. No.11 of 2016. It is also his submission that even prior to the alleged incident herein, the petitioner

lodged a complaint on 3.7.2016 with Pegadapalli P.S. against the *de facto* complainant and her mother in Crime No.37 of 2016 on the file of Special Judicial Second Class Magistrate, Jagtial, wherein the *de facto* complainant and her mother admitted their guilt and paid fine of Rs.200/- each on 19.7.2016.

4. The learned Additional Public Prosecutor for the State of Telangana would submit that the petitioner herein filed Criminal Petition No.4283 of 2017, which is pending for filing counter, and the petitioner suppressed the said fact. It is also his submission that the ingredients of Sections 354 and 354A of I.P.C. are satisfied and the alleged motive and false implication can be looked into during trial, but cannot be examined at this stage.

5. A perusal of the complaint averments and the statements of witnesses, clearly, would, even at this stage make out a *prima facie* case for the offences punishable under Sections 354 and 354A of PC. It is also difficult at this stage to score out Section 161 Cr.P.C. statements as well as the complaint allegations on the mere ground that there was civil dispute and even a petty case was filed in which the *de facto* complainant and her mother were convicted and paid fine of Rs.200/- each. The motive or false implication of the petitioner to wreak vengeance are all inferential facts, which can only be gone into when a full-fledged trial takes place. This apart, the very fact that the petitioner suppressed filing of application for quashment of proceedings in charge sheet is yet another ground to reject the request to set aside the refusal order of discharge.

6. There is no merit in the present Criminal Revision Case, and, accordingly, the same is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA

Dt. 30.11.2017
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