

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.90 OF 2018

ORDER:

This revision is filed aggrieved by the order dated 28.11.2017 in C.C.No.1519 of 2017 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad.

Heard learned counsel for the petitioners/A.1 to A.3 and A.5 to A.14, learned Additional Public Prosecutor for the respondent-State and perused the record.

Learned counsel for the petitioners would submit that on the confession made by the accused, all the accused are roped into this case except that there is no material evidence to proceed against the accused.

As per the material placed on record and the First Information Report that the petitioners/A.1 to A.3 said to have trespassed into the house of the *de facto* complainant on 16.08.2017 and alleged to have damaged some property and there is specific mention of the names of the petitioners/A.1 to A.3 in the First Information Report. L.Ws.2 to 4 are the eye witnesses in this case. Those witnesses did not give the names of the petitioners/A.5 to A.14. After investigation, the police had deleted the name of A.4 and filed the charge sheet against the petitioners/A.1 to A.3 and A.5 to A.14. Except the confession made by the accused with regard to implicating A.5 to A.14, there is no other material on record to proceed against them for the offences punishable under Sections 448, 427 and 506 IPC read with Section 34 IPC. The Court while taking cognizance did not assign any reasons to proceed against the petitioners/A.5 to A.14.

Under these circumstances, the cognizance taken in C.C.No.1519 of 2017 on 28.11.2017 against the petitioners/A.5 to A.14 is set aside and the revision is allowed in part accordingly.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

09th April, 2018.
ssp

