

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.627 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused Nos.1 and 2, seeking to quash the charge-sheet filed in S.C.No.209 of 2015 on the file of the Principal Assistant Sessions Judge, Warangal.

2. Heard the learned counsel for the petitioner/accused Nos.1 and 2, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused Nos.1 and 2 would submit that no offence punishable under Section 307 of I.P.C. is made out against the petitioner/accused Nos.1 and 2. Therefore, the charge sheet filed against the petitioner/accused Nos.1 and 2 for the aforementioned offence is liable to be quashed.

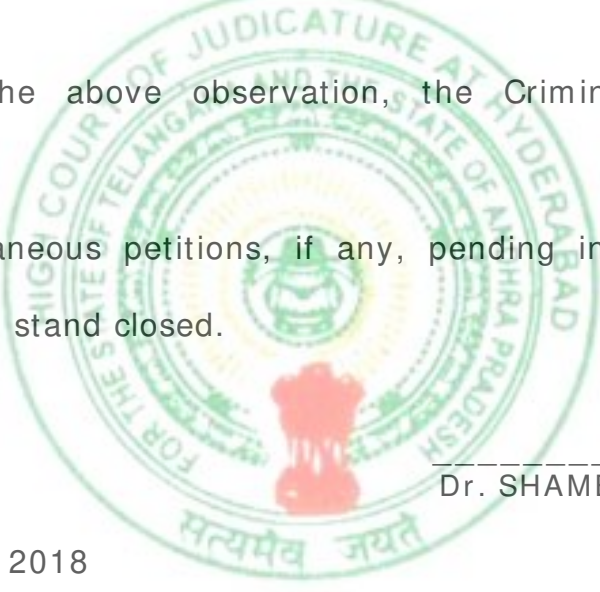
4. On the other hand, the learned Assistant Public Prosecutor opposed the relief sought for by the petitioner/accused Nos.1 and 2.

5. The submissions advanced on behalf of the petitioner/accused Nos.1 and 2 are that nature of injury and the weapon (2½ feet length stick) used to commit the offence and the other factors do not constitute offence punishable under Section 307 of I.P.C. It is also submitted that the charges are

not yet framed by the trial Court and that the petitioner is ready to make submissions before the charges are framed. Having regard to the submissions made by the learned counsel for the petitioner/accused Nos.1 and 2, the trial Court, while framing charges, may take the submissions of the learned counsel for the petitioners/accused Nos.1 and 2 and the material on record into consideration and then frame the charges, in accordance with law, and proceed with the trial of the case. The petitioners/accused Nos.1 and 2 are at liberty to file an application for their discharge, if they choose to do so.

6. With the above observation, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.



Dr. SHAMEEM AKTHER, J

24th January, 2018
Bvv