

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1495 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State.

The present revision case is filed questioning the orders passed in CrI.M.P.No.126 of 2017 in S.C.No.116 of 2016 dated 26.10.2017 on the file of the VI Additional District Judge-cum-Sessions Judge, Mahila Court, Visakhapatnam, dismissing the petition filed under Section 227 Cr.P.C. to discharge the petitioners for the offences under Sections 3 and 4 of the Dowry Prohibition Act (for short, "the Act") and Section 420 read with 34 IPC.

The facts of the case are that the petitioners are accused Nos.5 to 8 in S.C.No.116 of 2016. The specific allegation against the petitioners in the complaint as well as the charge sheet is that on 09.11.2014 Parvish (A1), his parents, sister Priyanka, grandfather Sitaramaiah, his uncle Koteswar Rao, his family friend Ramakrishna Reddy and others approached the de facto complainant's parents and demanded one crore and 1 kg gold and 5 kg silver, furniture, a sports bike and car as dowry apart from other aspects. Pending the sessions case, the petitioners filed a petition vide CrI.M.P.No.126 of 2017 under Section 227 to discharge them for the offences for which they are charged. The said petition has been dismissed by orders dated 26.10.2017 by the Court

below. Aggrieved by the same, the present revision case is filed.

Learned counsel appearing for the petitioners would contend that no *prima facie* case is made out against the petitioners since no specific allegation is made either in the complaint or in the charge sheet. Apart from the same, the learned counsel also submitted that petitioner Nos.1 and 2 are the grand parents, petitioner No.3 is the maternal uncle and petitioner No.4 is the classmate and friend of A1 and they are nothing to do with the allegations made in the complaint.

Per contra, learned Public Prosecutor appearing for the respondent State brought to the notice of the Court about the specific allegation made with reference to date on which the demand of one crore, 1 kg gold and 5 kgs silver, furniture etc., part from adapaduchu lanchanams was made.

Having heard both the counsel and a perusal of the complaint as well as the final report, it is revealed that the petitioners are charged for the offences under Sections 3 and 4 of the Act and Section 420 read with 34 IPC. The report clearly mentioned that on 09.11.2014 the petitioners went to the house of the de facto complainant and demanded the above said additional dowry and other items from her parents. When a specific allegation is made, which is staring at the petitioners, it cannot be said that no *prima facie* case is made out. For the purpose of framing a charge at the stage of Section 227 Cr.P.C., what all that is required is that there

shall be a *prima facie* case based on the material available in the charge sheet and the material enclosed thereto and to proceed further with the trial, but not with reference to further dissecting the material available on record and come to a conclusion as to whether it leads to conviction or not. Therefore, this Court is of the opinion that a *prima facie* case is made out to frame a charge for the offences for which the petitioners are charged. There are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.



P. KESHA RAO, J

Date: 02.07.2018.
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