

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.786 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the 1st respondent State.

The present revision case is filed questioning the orders dated 22.02.2018 passed in CrI.M.P.No.441 of 2017 in C.C.No.4 of 2011 on the file of the VIII Additional District and Sessions Judge, Vijayawada, dismissing the petition filed under Section 239 Cr.P.C., to discharge the petitioners from all the charges framed against them.

The facts in brief are that the petitioners herein are charged with the offences under Sections 406 and 420 IPC in Crime No.74 of 2009 on 25.04.2009. After completion of investigation, a charge sheet was filed, wherein they were charged for the offences not only under Sections 406 and 420 IPC, but also under Section 34 IPC and Section 5 of APPDFE Act. The Court below, after taking cognizance of the offences against the petitioners and other accused, numbered the case as C.C.No.4 of 2011. Pending the said C.C., the petitioners filed CrI.M.P.No.441 of 2017 under Section 239 Cr.P.C. seeking their discharge. The said petition was dismissed by orders dated 22.02.2018. Aggrieved by the same, the present revision case is filed.

Learned counsel appearing for the petitioners vehemently argued that the case set up against the petitioners is only as Directors of A1 Company. In fact, the petitioners are not the Directors and they have nothing to do with the affairs of the said Company.

Per contra, the learned Public Prosecutor appearing for the 1st respondent State brought to the notice of the Court the statements recorded by the investigating agency which negate the contention of the petitioners. At that stage, the learned counsel appearing for the petitioners sought permission of the Court to dispense with the appearance of the petitioners in C.C.No.4 of 2011 during the course of trial.

In these circumstances, without going into the merits and without appreciating any facts of the case, the criminal revision case is dismissed. However, the presence of the petitioners in C.C.No.4 of 2011 on the file of the Court of the VIII Additional District and Sessions Judge, Vijayawada, is dispensed with except whenever their presence is required, such as, 313 examination etc.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 18.07.2018.
ES