

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.1141 OF 2018

ORDER:

This revision is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order, dated 30.12.2015 in C.C.No.1162 of 2015 on the file of the Addl. Judl. Magistrate of I Class, Kavali, in taking cognizance for the offence punishable under Section 324 IPC in addition to other offences.

2. Heard learned counsel for the petitioner-A1, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 would submit that the police filed charge sheet for the offences punishable under Sections 323 and 290 r/w 34 IPC. The learned Magistrate ought not to have taken cognizance for the offence punishable under Section 324 IPC in addition to other offences and relied on decision reported in **STATE OF GUJARAT V GIRISH RADHAKRISHNAN VARDE**¹, and contended that framing of charge under Section 324 IPC after hearing the parties and taking of cognizance under Section 324 IPC is erroneous and ultimately, prayed to set aside the impugned order.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioner in the revision.

5. As per the material placed on record, there is specific mention in the statement of the victim that the accused had attacked with 'Kathi-peeta' (knife fixed to

¹ (2014) 3 SCC 659

wooden plank) and caused injuries. There is medical certificate to substantiate the same. There is material on record to take cognizance for the offence under Section 324 IPC along with other offences. The facts and circumstances of the instant case are distinct from the facts and circumstances stated in the decision referred (1 supra). There is no infirmity. There is nothing wrong on the part of the Magistrate in taking cognizance for the offences punishable under Sections 143, 148, 452 and 324 r/w 149 IPC. There is no mis-carriage of justice. There is nothing to take a different view. The revision is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 24-04-2018.
Hsd

