

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.1050 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, challenging the order, dated 02.03.2017, passed in CrI.M.P.No.637 of 2014 in C.C.No.206 of 2011 by the II Additional Judicial Magistrate of First Class, Khammam, whereby, the Court below dismissed the application filed by the petitioner under Section 239 of Cr.P.C, for discharge.

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

3. The learned counsel for the petitioner/A.1 would submit that there is no substantial material to proceed against the petitioner/A.1. The Court below erred in dismissing the subject application. None of the witnesses has supported the prosecution case and ultimately prayed to set aside the impugned order.

4. The learned Assistant Public Prosecutor opposed the Criminal Revision Case.

5. The Court below had taken cognizance of the case against petitioner/A.1 for the offences punishable under Sections 498A of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. As per the material placed before this Court, there is specific statement of the victim/wife with regard to mental and physical cruelty meted out to her by

the husband (petitioner herein) and also demanding additional dowry. There is investigation to show the same. The Court below while dealing with the subject application, had examined in detail the contentions raised on behalf of the petitioner and answered the same. Unless the Court below wrongly appreciate the material or the material appearing in favour of the petitioner is overlooked, this Court cannot interfere with the impugned order. There are no such irregularities in the impugned order. The findings of the Court below are based on material on record. There is no miscarriage of justice. The Criminal Revision Case 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 Criminal Revision Case, shall stand dismissed.

18th April, 2018
Bvv

Dr. SHAMEEM AKTHER, J

