

**THE HON'BLE SRI JUSTICE P.KESHA RAO**

**CRIMINAL REVISION CASE No.1538 OF 2018**

**ORDER:**

This Criminal Revision Case is filed against the docket order dated 01.09.2017 in C.C.No.215 of 2017 on the file of the Judicial Magistrate of First Class (Special Mobile), Karimnagar, whereunder cognizance of the offence punishable under Section 498-A of I.P.C. and Section 4 of Dowry Prohibition Act, is taken and summons were issued against the petitioners-A.2, A.3 & A.5 to A.7.

Heard the learned counsel for the petitioners as well as the learned Public Prosecutor for respondent-State.

The facts of the case are that one Smt. Syed Rubeena @ Kalyanapu Swathi i.e. the de facto complainant filed a complaint on 19.03.2017 against the petitioners herein and two others for the offences under Sections 498-A and 506 I.P.C. and Section 4 of Dowry Prohibition Act. Pursuant to the said complaint, a crime was registered vide F.I.R.No.39 of 2017 for the aforesaid offences. Pursuant to the registration of the crime, investigation was conducted and a charge sheet was laid on 12.07.2017. In the charge sheet, it is mentioned that a case is made out against A.1 & A.4 for the offences under Sections 498-A, 506 I.P.C. and Section 4 of Dowry Prohibition Act. However, as far as the petitioners i.e. A.2,A.3 & A.5 to A.7 are concerned, the offences are not established due to which, their names were deleted from the charge sheet. In fact, in the charge sheet, it has been clearly mentioned that as per the version of the witnesses, the offence is made out against A.1 & A.4 only and not against A.2,A.3 & A.5 to

A.7 i.e. the petitioners herein. However, the Court below vide its docket order dated 01.09.2017, has taken cognizance of the offence against all the accused including the petitioners herein and issued summons. Aggrieved by the same, the present Criminal Revision Case is filed.

The counsel appearing for the petitioners would contend that no case is made out against the petitioners for the offences under Sections 498-A, 506 I.P.C. and Section 4 of Dowry Prohibition Act. In the charge sheet, their names have been deleted since no offence is established against them for any of the offences muchless the offences as alleged.

*Per contra*, the learned Public Prosecutor contended that the list of witnesses deposed against the petitioners herein for the offences under which they were charged.

A perusal of the charge sheet as well as the statement of witnesses placed before the Court below would indicate that there is absolutely no allegation against the petitioners and in fact, the witnesses have categorically deposed that they never visited the house of de facto complainant and A.1. That is the reason why, the names of the petitioners herein were deleted from the charge sheet. However, the Court below in the impugned docket order has mentioned 'examined the entire record and as the record shows serious allegations against all the accused, cognizance is taken for the offences and issue summons'.

As far as the petitioners herein are concerned, from the perusal of the material including the statement of witnesses, as

indicated above, would not disclose any *prima facie* offence against the petitioners. Therefore, the docket order dated 01.09.2017 to the extent of taking cognizance of offences under Section 498-A IPC and Section 4 of Dowry Prohibition Act against the petitioners herein and issuing of summons to them is set aside.

Accordingly, the Criminal Revision Case is allowed.

Pending miscellaneous petitions, if any, shall also stand closed.

**P.KESHA VA RAO,J**

21<sup>st</sup> JUNE 2018.  
Tsr

