

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.1539 of 2018

ORDER:

Heard the learned counsel for the petitioners, second respondent as well as the learned Public Prosecutor appearing for the first respondent.

The present criminal revision case is filed questioning the orders dated 13.03.2018 passed in CrI.M.P.No.870 of 2017 in C.C.No.336 of 2016, dismissing the petition filed under Section 239 Cr.P.C. to discharge the petitioners herein for the charges levelled against them in the above said calendar case.

The facts of the case are that the second respondent herein filed a complaint against the petitioners herein and another i.e. A-1 for the offences under Sections 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. Pursuant to the said complaint, a crime was registered vide FIR No.86 of 2015 dated 9.12.2015. After completion of investigation, a charge sheet has been filed. The learned Magistrate after taking cognizance of the offences against the petitioners herein, numbered the case as CC No.336 of 2016. Pending the calendar case, the petitioners herein filed a petition vide CrI.M.P.No.870 of 2017 under Section 239 Cr.P.C. to discharge them for the charges framed against them.

The first respondent-State filed a counter and contested the same. After hearing, the learned magistrate by orders dated 13.3.2018 dismissed the petition. Aggrieved by the same, the present criminal revision case is filed.

The learned counsel appearing for the petitioners would contend that no prima facie case is made out against the petitioners herein. In fact, the petitioners are living at Paloncha and whereas A-1 and second respondent herein were living in Hyderabad. Therefore, there was no question of harassing the second respondent for additional dowry etc.

Per contra, the learned counsel appearing for the second respondent contended that there are specific allegations with regard to the demand of additional dowry as well as the insult caused to the second respondent for not obliging to their illegal demands. The learned Public Prosecutor also supported the arguments of the learned counsel for the second respondent stating that there are specific allegations against the petitioners.

Having heard the submissions made by both the learned counsel and a perusal of the material on record, would disclose that specific allegations are made with regard to harassment meted out to the second respondent by A-1 at the instigation of his mother, sister, brother-in-law and maternal uncle. In fact, on their insistence, a sum of Rs.5 lakhs was also paid towards additional dowry. Further, when the second respondent became pregnant, she was forcibly taken to the house of second respondent herein and got the pregnancy aborted. In the light of these allegations, it cannot be said that there are no specific allegations. The basic ingredient under Section 239 Cr.P.C. is that upon considering the police report and the documents enclosed thereto and after making such examination, if the magistrate thinks that the charge against the accused to be groundless, then he shall discharge the accused.

In the case on hand, perusal of the charge sheet as well as the statements recorded, would indicate that there are specific allegations against the petitioners. In these circumstances, this Court is not inclined to interfere with the orders passed by the Court below and this Court feels that there are no merits in the criminal revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. However, looking at the age of the petitioners 1 and 4 and the petitioners 2 and 3 herein being the government teachers, their presence in C.C.No.336 of

2016 is dispensed with and they are directed to appear before the Court below as and when required.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO, J

Date: 13.07.2018.
CCM



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