

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO.2000 OF 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Public prosecutor appearing for the respondent State.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.627 of 2018 in S.C.No.10 of 2016 on the file of the Court of VII Additional District and Sessions Judge, Ongole, dismissing the petition filed under Section 309 Cr.P.C.

3. The facts in brief are that the petitioners filed Tr.CrI.M.P.No.345 of 2017 before the Principal District Judge, Ongole, to transfer C.C.No.38 of 2016 on the file of the II Additional Judicial Magistrate of First Class, Ongole to the Court of Special Judge for trial of offences under SCs and STs (POA) Act-cum-VII Additional Sessions Judge, Ongole, to be tried along with S.C.No.10 of 2016. The said Tr.CrI.M.P.No.345 of 2017 was allowed by order dated 10.1.2018 by the learned Sessions Judge, Ongole. However, though the said transfer petition has been allowed, C.C.No.38 of 2016 is not clubbed with S.C.No.10 of 2016. On the other hand, the prosecution has already examined 14 witnesses in S.C.No. 10 of 2016

4. It appears the petitioners moved a petition vide CrI.M.P.No.627 of 2018 in S.C.No.10 of 2016 under Section 309 Cr.P.C. to adjourn the trial by cancelling the trial schedule dated 17.7.2018 in S.C.No.10 of 2016. The said petition was dismissed on 18.7.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

5. Learned counsel for the petitioners would contend that in view of the orders passed in Tr.CrI.M.P.No.345 of 2017, the learned Special Judge for trial of offences under SCs and STs (POA) Act-cum-VII Additional Sessions Judge, Ongole, ought to have tried S.C.No.10 of 2016 along with C.C.No.38 of 2016.

6. When this Court enquired with the counsel for the petitioner as to what are the steps taken for clubbing both the matters, it is represented that neither a memo for clubbing both the matters is filed nor it is informed to the learned Special Judge for trial of offences under SCs and STs (POA) Act-cum-VII Additional Sessions Judge, Ongole, to club both the matters, but for filing a petition under Section 309 Cr.P.C.

7. When the petitioners have not brought to the notice of the Court about the orders passed in Tr.CrI.M.P.No.345 of 2017, the petitioners cannot find fault with the trial Court. Therefore, this Court does not find any merit in the present Criminal Revision Case.

8. Accordingly, the Criminal Revision Case is dismissed. However, liberty is given to the petitioners to take appropriate steps forthwith for clubbing C.C.No.38 of 2016 with S.C.No.10 of 2016 for a joint trial.

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

P. KESHA RAO,J

Date: 8.8.2018

Note:

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