

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.2482 OF 2018

ORDER:-

This Criminal Revision Case is arising out of the docket order, dated 29.03.2018, passed in CrI.M.P.No.1744 of 2017 in C.C.No.173 of 2018 (Crime No.18 of 2016 of Lingal Police Station, Nagarkurnool District) by the learned Judicial Magistrate of First Class at Achampet.

2. A-2 died in July, 2017. The revision petitioners are accused Nos.3 to 7. Aggrieved by the docket order referred above, they filed the present revision on the ground that the learned Magistrate has taken cognizance of the offence under Section 498-A read with Section 109 I.P.C. against A-2 to A-7 though the charge sheet was filed against A-1 only by deleting the names of other accused/A-2 to A-7.

3. Heard the arguments of the learned counsel for the petitioners/A-3 to A-7 and the learned Public Prosecutor appearing for respondent No.2/State.

4. Learned counsel for the petitioners/A-3 to A-7 submits that the Sub-Inspector of Police, Lingal Police Station has filed charge sheet under Section 173 Cr.P.C. before the Judicial Magistrate of First Class, Achampet against A-1 only for the offence under Section 498-A I.P.C. stating that after investigation, A-1 only was alleged to have committed the offence under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. In the charge sheet, the Investigation Officer has stated that L.W.1 is

residing at her parents' home in Lingal Village along with her children. A-2 to A-7 have neither harassed L.W.1 for additional dowry nor abused and threatened her and they have been residing separately from L.W.1. On these grounds, the charge sheet was filed against A-1 only though the other accused/A-2 to A-7 were shown as persons charged for the offence under Section 498-A I.P.C.

5. The learned trial Court, at the time of taking cognizance, has taken cognizance of the offence under Section 498-A I.P.C. against A-1 and of the offence under Section 498-A read with Section 109 I.P.C. against A-2 to A-7 and issued summons to all of them.

6. Notices have been served to respondent No.1, but none appeared on her behalf. The docket order reveals that the learned Magistrate, placing reliance on the material on record, has taken cognizance against A-2 to A-7.

7. In view of the fact that the learned Magistrate has got power to take cognizance against the accused basing on the material available on record, the order of the trial Court does not require any interference. However, the appearance of the petitioners/A-3 to A-7, being the in-laws and co-sister of the *de facto* complainant, can be dispensed with, as they are said to be residing separately from the *de facto* complainant and the contents of the charge sheet also reveals that they have not committed any offence. However, after receiving the evidence, it is the duty of the trial Court to scrutinize the evidence and come to a conclusion as to whether the petitioners/A-3 to A-7 have committed the offence under Section 498-A read with Section 109 I.P.C. or not.

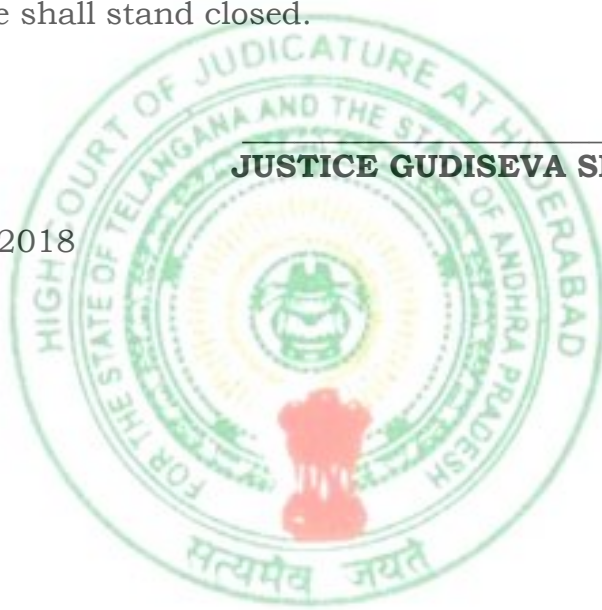
8. The petitioners/A-3 to A-7 are given liberty to move a petition for discharge before the trial Court in case they are aggrieved by the taking cognizance of the offence under Section 498-A read with Section 109 I.P.C. by the learned Magistrate without there being any material against them.

9. With the above observations, the Criminal Revision Case is disposed of.

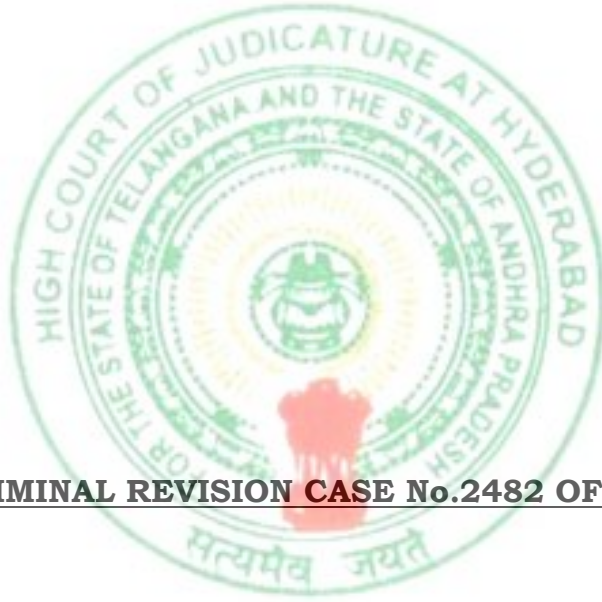
10. Miscellaneous Petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE GUDISEVA SHYAM PRASAD

Date : 11.12.2018
AMD



THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



CRIMINAL REVISION CASE No.2482 OF 2018

Dated: 11.12.2018

AMD