

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3215 OF 2018

ORDER:

This revision is arising out of order, dated 05.09.2018, passed in CrI.M.P.No.358 of 2018 in S.C.No.28/S/2017 by the Special Sessions Judge-cum-IV Addl. Sessions Judge, Guntur.

2. The revision petitioner is A1 in S.C.No.28/S/2017. The revision petitioner filed the petition under Section 227 Cr.P.C. for discharge from the above Sessions case for the offences alleged against them under Sections 120-B, 302 and 207 r/w 34 IPC and 3 (2) (v) of SCs & STs (PoA) Act and 27 of Arms Act. The learned Sessions Judge dismissed the application. Aggrieved by the same, this revision is preferred by the petitioner-A1.

3. Heard the learned counsel for the petitioner-A1, learned Public Prosecutor representing the State and perused the material on record.

4. Learned counsel for the petitioner submits that there is no incriminating material against the petitioner and no *prima facie* case is made out against the petitioner for framing charges against him, and therefore, sought for discharge of the petitioner.

5. The learned Public Prosecutor opposed for discharge of the petitioner on the ground that *prima facie* case is made out against the petitioner.

6. The order passed by the trial Court clearly reveals that there is *prima facie* case against the accused and therefore, the petition filed for discharge was dismissed.

7. In view of the reasons mentioned in para 9 of the order passed by the trial Court, this Court is not inclined to interfere with the order in dismissing the petition.

8. Accordingly, the Criminal Revision Case is dismissed. However, the trial Court is directed to dispense with the presence of the petitioner-A1 during trial, except on the occasions whenever the trial Court insists his appearance. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 27-11-2018

Hsd

