

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.3031 of 2017

ORDER:

This Criminal Revision Case is filed by the petitioners/A1, A3 and A5 under Section 397 Cr.P.C. challenging the order dated 28.10.2017 passed by learned VI Additional Metropolitan Magistrate, Bheemunipatnam, Visakhapatnam taking cognizance of the Cr.No.202 of 2016 of Bheemunipatnam PS for the offences under Sections 147, 148, 323, 324, 307, 506 r/w 149 IPC and registering PRC No.13 of 2017.

2) Heard arguments of Sri K.Sarvabhousma Rao, learned counsel for petitioners and Sri B.Sudhakar Reddy, learned counsel for 1st respondent.

3) The crux of the argument of the petitioners is that the entire incident that took place on 11.08.2016 and 16.08.2016 in the Court premises of Bheemunipatnam among the advocates was just a storm in the tea cup which was unduly magnified and even if the complaint allegations are taken to be true, there is absolutely no material to take cognizance for the offence under Section 307 IPC since incident was only an affray and a small altercation and nothing more than that. He thus prayed to quash the offence under Section 307 IPC from the array.

4) Per contra, learned counsel for 1st respondent opposed the Crl.R.C. and argued that having regard to the magnitude of the offence the trial Court rightly took cognizance of the offence under Section 307 IPC along with other offences.

5) I have gone through the record. Without going into the merits of the case petitioners/A1, A3 and A5 are given liberty to approach the concerned trial Court and seek for discharge placing before the said Court their points of arguments, in which case the trial Court shall pass an appropriate order on merits.

6) This CrI.R.C. is disposed of accordingly.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 15.06.2018
Murthy



U.DURGA PRASAD RAO, J