

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE No.670 of 2019

ORDER:

This Criminal Revision Case under Sections 397 and 401 of Cr.P.C., is filed aggrieved by the order dt.29.05.2019 in CrI.MP.No.2917 of 2019 in C.C.No.731 of 2017 passed by the II AJCJ-cum-X Additional Metropolitan Magistrate, Kukatpally, Cyberabad, dismissing the petition by refusing to discharge the petitioner/A.8 from the offences punishable under Sections 417, 120 r/w. Sections 34, 35 and 36 of IPC.

Learned counsel for the petitioner/A.8 contends that the petitioner has nothing to do with the offences alleged against him and he was falsely implicated in the present case only to take vengeance against Accused No.1 for the reason that the petitioner is a colleague of Accused No.2, who is the father of Accused No.1 and mere presence of the petitioner at the time of marriage proposal between both the families does not constitute any offence against the petitioner. It is also contended that the statements of the witnesses do not disclose the dishonest intention on the part of the petitioner to cheat LW.1 and also do not disclose that the petitioner had knowledge of the alleged mental disorder of Accused No.1 and, therefore, sought to allow the relief sought for in this revision.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in this revision.

Perused the material on record. A perusal of the charge sheet and the statements of witnesses shows that there is sufficient material for proceeding against the petitioner/A.8 and it cannot be said that there are absolutely no grounds to frame such charges against him. During the course of trial, the truth or otherwise will come out. The Court below had considered all these aspects and having found *prima-facie* case against the petitioner/A.8, had rightly refused to discharge him for the aforesaid offences.

Therefore, the petitioner/A.8 cannot be discharged from the charges levelled against him. However, his personal appearance is dispensed with till completion of trial, except on the dates whenever his presence is specifically required by the Court below.

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

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

JUSTICE CHALLA KODANDA RAM

02.07.2019.
Msr

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