

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.1282 of 2019

ORDER:

The present Criminal Revision Case is filed by the revision petitioner/ accused under Sections 397 and 401 Cr.P.C., questioning the order, dated 11.10.2019, passed in CrI.M.P.No.85 of 2019 in S.C.No.254 of 2017 on the file of the Special Sessions Judge for Fast Tracking the Case Relating to Atrocities Against Women-cum-VIII Additional District and Sessions Judge at Khammam, wherein and whereunder an application for discharge filed by the revision petitioner/accused was dismissed.

A charge sheet came to be filed against the revision petitioner/accused for the offences punishable under Sections 366 and 376 of I.P.C. The allegations in the charge sheet are that on 14.08.2015 at 10.30 p.m., the *de facto* complainant lodged a telugu written report stating that while she was studying 8th class in her Village High School, the revision petitioner/accused was working as Head Master in the said school and as she was getting good marks in her class, the revision petitioner/accused used to appreciate and encourage her and also made believe her parents by saying that she is studying well and advised them to send her for higher studies. Accordingly, after completion of her 10th class, as per the advice of the revision petitioner/accused, she appeared for polytechnic entrance and she got a seat at Kamala Nehru Polytechnic for

Women, Hyderabad. The revision petitioner/accused took her to Hyderabad and got admitted in the polytechnic college and she stayed in college hostel for two years. At that time the revision petitioner/accused used to come to Hyderabad and meet her, provided dresses to her; gave his ATM card and also arranged money for her needs. After two years, she attended training in SPECK Company for six months, during that time she stayed in ECIL Hostel. The revision petitioner/ accused used to come to her hostel; take her to lodges and parks; did not permit her to speak with her parents and used to ask her to avoid her parents and he gave a cell phone and SIM to her. After completion of training at SPECK company the revision petitioner/ accused shifted her to Abhishree hostel at Narayanaguda and during that time the revision petitioner/accused used to come to her; take her to lodge at Koti Centre and had intercourse with her. Since then whenever he comes to Hyderabad, used to take her to a lodge and had intercourse with her. Whenever, the *de facto* complainant does not agree, he used to beat her and threaten her saying that he will say bad about her to her parents otherwise he will kill her and had intercourse with her by blackmailing. The revision petitioner/accused also said her not to talk with her parents and if they come to Hyderabad not to meet them and he used to ask her to meet them at bus stand or tank bund area. The revision petitioner/accused shifted her to various hostels without knowing to her parents and he used to introduce her to his friends as a student or relative. In the month of June, 2015, the

revision petitioner/accused forcibly shifted her to a hostel at Ameerpet and on 28.07.2015 he took her to Dwaraka Lodge at Lakdi-ka-pool and had intercourse with her by blackmailing.

Heard learned Counsel for the petitioner/accused and learned Additional Public Prosecutor appearing for the respondent/complainant.

Learned counsel for the petitioner/accused submits that there is a delay of 58 days in lodging the report and that due to political pressure only a false case has been foisted against the revision petitioner/accused. It is also submitted that the list of witnesses mentioned in the charge sheet clearly shows that the police investigation is completely table-made investigation. The police failed to establish the case by examining any of the witnesses or by placing material on record in respect of the so called alleged place of occurrence at Hyderabad and it clearly shows that no offence was made out, but the learned trial Court failed to go through the record and simply dismissed the petition. The *de facto* complainant leveled vague allegations against the revision petitioner/accused and created a story at the intervention of political leaders and became tool in their hands. Admittedly, the entire witnesses are circumstantial witnesses and there is no proper chain of evidence among all the witnesses. It is also submitted that the entire investigation, charge sheet and also the statements of the witnesses do not establish the offences alleged against the revision

petitioner/accused and, therefore, continuation of criminal proceedings against him is nothing but an abuse of process of law.

Learned Additional Public Prosecutor appearing for the respondent/complainant would submit that specific overt acts are attributed against the revision petitioner/accused and a reading of charge sheet *prima facie* makes out a case against the revision petitioner/accused and that after considering the material on record, the trial Court had dismissed the application. There is no illegality or irregularity in the order passed by the trial Court warranting interference.

A perusal of the charge sheet which is placed on record would show that during investigation the ATM Card of the revision petitioner/accused was recovered from the possession of the *de facto* complainant. The effect of delay in lodging the First Information Report could not have been made a ground for discharge, especially when in the First Information Report, Charge Sheet and in the statements of witnesses, there are specific allegations of kidnapping and having intercourse with the *de facto* complainant by the revision petitioner/accused by threatening and cheating her. The trial Court, after considering the plethora of case laws on the aspect of discharge of the accused under Section 227 of Cr.P.C., and after evaluating the material placed on record, held that the prosecution is able to show *prima facie* case and sufficient material to proceed against the

revision petitioner/accused. Hence, I see no illegality or irregularity in the order passed by the trial Court.

Accordingly, the Criminal Revision Case is dismissed at the admission stage. Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE G. SRI DEVI

25.11.2019
Gkv/Gsn.



