

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 490 OF 2021

Criminal Revision Case under Section 397 & 401 of Cr.P.C against the Judgment dated 02/09/2021 in CrI.M.P.No.417 of 2020 in Crime No.149 of 2019 passed on the file of the Court of the Judicial Magistrate of First Class, Narsampet.

Between:

Ambati Vijaya, W/o Late Venkateshwarlu @ Venkanna, aged 51 years, Occ Home Maker, R/o Gangaputra Street, Narsampet, Warangal District.

...PETITIONER/PETITIONER/DEFACTO COMPLAINANT

AND

1. The State of Telangana, Rep. by Public Prosecutor High Court Hyderabad.

...RESPONDENT/COMPLAINANT

2. Gandhi Kamal Kumar, S/o Late Rajendra Prasad, a/a 42 yrs, Occ Real Estate Business, R/o H.No.11-92, Shivaji Road, Near Gouda Sangam, Narsampet.
3. Chukka Sunil Kumar, S/o Kanakaiah, a/a 37 Yrs, Occ Pub Manager at Hyderabad, R/o H.No.14-77, Sarojini Devi Road, Narsampet.
4. Padishala Ashok, S/o Late Yakaiah, a/a 32 yrs, Occ Coolie, R/o 1-67, Sarwapuram, Narsampet.

(Respondents 2 to 4 are proforma parties)

...RESPONDENTS

IA NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Revision Case, the High Court may be pleased to stay all further proceedings of the Order dt.02/09/2021 in

Crime No.149 of 2019 (PRC.No.33/20211) on the file of Judicial Magistrate of I Class Narsampet and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: SRI C. N. MOORTY

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

The Court delivered the following: JUDGMENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.490 OF 2021

JUDGMENT:

1. The Criminal Revision Case is filed questioning the order of the learned Judicial Magistrate of First Class, Narsampet in CrI.M.P.No.417 of 2020 in Cr.No.149 of 2019 of PS Narsampet dated 02.09.2021, whereby the protest petition filed by the petitioner herein for adding A4 and A5 and further to order reinvestigation or *denovo* investigation into the matter with higher ranked police officer was dismissed.
2. Learned Magistrate found that A4, who is an advocate and the then Bar President and also A5 that no specific role was attributed to them in the protest application and though an opportunity was given for recording the statements of the *defacto* complainant and other witnesses, the *defacto* complainant did not come forward to give evidence and did not produce any evidence on her behalf. In the said circumstances, petition was dismissed.
3. The trial Court is directed to issue summons and examine the witnesses in the present case. In the event of the application being made by the *defacto* complainant under Section 319 of Cr.P.C, that an offence is made out against A4 and A5, the same shall be

considered on facts adduced during trial, whether to include A4 and A5 as accused or not.

4. Accordingly, the Criminal Revision Case is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

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Sd/-N.SRIHARI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

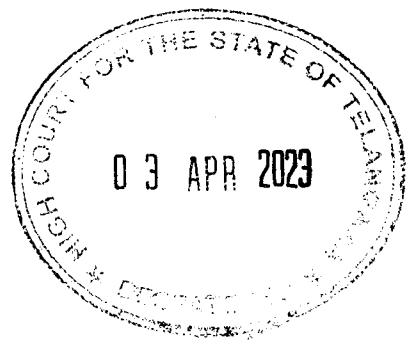
1. The Judicial First Class Magistrate at Narsampet.
 2. One CC to Sri C. N. Moorthy, Advocate [OPUC]
 3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
 4. Two CD Copies
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HIGH COURT

DATED: 10/02/2023

ORDER

CRL.R.C.No.490 of 2021



DISPOSING OF THE CRIMINAL REVISION CASE

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HMA
03/3/2023