

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 869 OF 2023

Criminal Revision Case filed under Sections 397 and 401 of CrPC against the order dated 04.10.2023 passed in S.C.No.921 of 2019 on the file of the Court of the Principal District And Sessions Judge Cum Family Court At Medchal-Malkajgiri District At Malkajgiri.

Between:

Gudise Naresh, S/o Yadigiri aged 25 years Occ Pvt employee R/o Nehrunagar Cherlapally Kapra Mandal ,Medchal District

...ACCUSED/PETITIONER

AND

The state of Telangana, Through the PS.Kushaiguda, Represented by the public prosecutor High court Buildings Hyderabad

...COMPLAINANT/RESPONDENT

IA NO: 1 OF 2023

Petition under Section 482 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased stay the Proceedings Of SC.No.921/2019 on the file of the Principal District And Sessions Judge Cum Family Court At Medchal-Malkajgiri District At Malkajgiri.

Counsel for the Petitioner: SRI RAVISH KEDIA REP. FOR J. C. FRANCIS

Counsel for the Respondent: ADDITIONAL PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.869 OF 2023

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/accused aggrieved by the framing of charge against him in S.C.No.921 of 2019 by the Principal District and Sessions Judge-cum-Family Court, Medchal-Malkajgiri District at Malkajgiri.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.
3. The Kushaiguda police having investigated into the death of the deceased, who is wife of this petitioner, filed charge sheet. In the said charge sheet, it is mentioned that the deceased committed suicide by hanging, for which reason, the police prayed to try the petitioner herein for the offence under Section 304-B of IPC.

4. However, the learned Sessions Judge on 04.10.2023 framed charge under Section 302 of IPC against the petitioner.

5. The offence under Section 302 of IPC would be attracted if a person does any act having knowledge about causing death of a person. The investigation reveals that the deceased committed suicide. In the said circumstances, when the Sessions Judge has not given any reason as to why charge would be framed under Section 302 of IPC, the charge framed by the learned Sessions Judge on 04.10.2023 in S.C.No.921 of 2019, is hereby set aside.

6. The charge under Section 304-B of IPC shall be framed. However, the Sessions Judge is not precluded from framing charge under Section 302 of IPC by giving reasons as to why charge under Section 302 of IPC has to be framed in the background of investigation revealing that the deceased committed suicide.

7. Accordingly, the Criminal Revision Case is allowed.

Miscellaneous applications pending, if any, shall
stand closed.

SD/- B.S. CHIRANJEEVI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District And Sessions Judge Cum Family Court At Medchal-
Malkajgiri District At Malkajgiri.(with records if any)
 2. The S.H.O, Kushaiguda PS, Kushaiguda Hyderabad.
 3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at
Hyderabad[OUT]
 4. One CC to Sri J. C. Francis, Advocate [OPUC]
 5. Two CD Copies
- plp

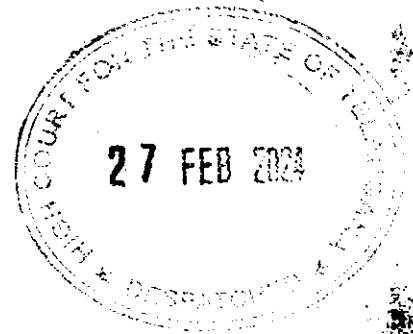
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HIGH COURT

DATED:29/12/2023

ORDER

CRLRC.No.869 of 2023



**ALLOWING THE CRIMINAL
REVISION CASE.**

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HVR