

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL REVISION CASE NO: 508 OF 2024

Criminal Revision Case under Section 397 & 401 of Cr.P.C. aggrieved by the Order dated 31-01-2024 made in CrI.M.P.No.602/2023, in C.C.No.147/2018 on the file of the Court of the IX Additional Chief Metropolitan Magistrate, at Hyderabad.

Between:

1. K.Satyam, S/o. late Ramulu, Aged about 48 years, Occ. DCM HR, R/o. H.No.1-1-30, Kesari Bazar, New Bowenpally.
2. Ch.Satyanarayana, S/o. late Ch.Suryanarayana, Aged about 51 years, Occ. Senior Manager, R/o Flat No.202, Suvan Castle, Siri Enclave Colony, Nizampet, Ranga Reddy District

...Petitioners/Petitioners/Accused 1 & 2

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...Respondent/Respondent/Complainant

IA NO: 1 OF 2024

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including personal appearance of the petitioners in C.C.No.157/2018, on the file IX Additional Chief Metropolitan Magistrate, at Hyderabad.

Counsel for the Petitioner(s): Sri. G Vasantha Rayudu

Counsel for the Respondents: Asst. Public Prosecutor

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL REVISION CASE No.508 OF 2024

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') challenging the order dated 30.01.2024 passed in CrI.M.P.No.602 of 2023 on the file of the IX Additional Chief Metropolitan Magistrate, at Hyderabad.

2. Heard Sri G.Vasanth Rayudu, learned counsel for the revision petitioners and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The revision petitioners/accused Nos.1 and 2 filed the petition before the trial Court under Section 239 of Cr.P.C with a prayer to discharge them from the alleged offences under Sections 352 and 506 of the Indian Penal Code (IPC), 1860. Learned Magistrate on considering the materials partly allowed and discharged from the offence under Section 352 of IPC but

dismissed the petition for the offence under Section 506 of IPC.

Thus, present revision is filed.

4. i) Learned counsel for the revision petitioner would contend that the petitioners are the employees of the Company. Earlier, in regard to the another incident, the petitioners had filed police report and it was registered as Crime No.567 of 2016 and to counter blast that crime, this report has been foisted against the petitioners and the Company. Questioning the same, the company approached this Court for quashment and the same was allowed.

ii) He further points out that for the alleged occurrence on 18.08.2017, the *de facto* complainants filed private complaint on 11.09.2017 with clear delay. However, the Court had referred the matter to the police under Section 156(3) of Cr.P.C and on notice of the concerned police under Section 41-A of Cr.P.C, they have got issued suitable reply on 02.11.2017, with certain facts. However, without investigating into those aspects, the police filed charge sheet against the petitioners under Sections 352 and 506 of IPC. Thus, without proper enquiry and investigation the charge sheet was filed. That apart, the trial Court disregarded the aspects

pointed out by the petitioners and only by considering the advised statements of the complaints passed the impugned order.

iii) Further, when the Court had pleaded that the offence under Section 352 of IPC was not made out and ought to have discharged the petitioners even for the allegation under Section 506 of IPC, as both the accusation are based on self same evidence. Thus, prayed for interference and to discharge the petitioners under Section 506 of IPC.

5. Learned Assistant Public Prosecutor has pleaded in favour of the impugned order and that the Court has properly analysed the materials and partly allowed the petition and the other aspects would be determined after the trial.

6. I have considered the submissions of the learned counsel and perused the materials on record.

7. Admittedly, as per the record, the private complaint was filed by the *de facto* complainants on 11.09.2014 against the order dated 18.08.2017 which was forwarded to the police and the police after due investigation filed charge sheet. As the complaint was

forwarded without taking cognizance by the learned Magistrate and the cognizance was taken basing on the charge sheet the complaint assumes the position of a case instituted by the police/prosecution.

8. Admittedly, the police said to have issued notice under Section 41-A of Cr.P.C and reply dated 02.12.2017 was also filed. In this context, it is to be noted that, no permission of law stipulates to conduct investigation in the lines of the explanation offered by the accused. Thus, the contest of the petitioners that the aspects which are set out in their reply has not been considered by the police, cannot be considered as a ground to allow the discharge application. That apart, a reading of the statements of the complainants before the police are specifically referring occurrence on 18.08.2017 and the presences of the petitioners and the words hurled by them.

9. It is settled position that while considering the application for discharge the probative value of the materials placed by the prosecution need not be examined and the relevant factor would be whether any *prima facie* case is made out against the accused for

proceeding further in trial. The veracity of the statements of the complainants and witnesses before the police under Section 161 of Cr.P.C or ascertaining strict corroboration in the materials collected by the police shall not be weighed at this stage. In this view, the conclusion of the trial Court that the record is making out a case for proceeding further under Section 506 of IPC is found acceptable.

10. Thus, as no impropriety is found, the impugned order deserves affirmation. In consequence, this revision case is liable to be and is accordingly dismissed.

11. Accordingly, this Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

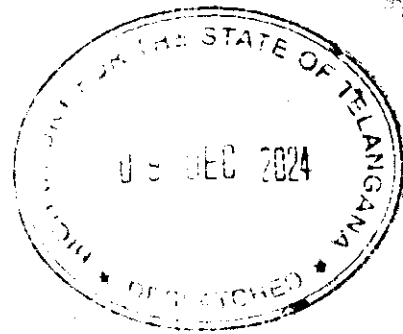
1. The IX Additional Chief Metropolitan Magistrate, at Hyderabad.
2. One CC to Sri. G Vasantha Rayudu, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana. [OUT].
4. Two CD Copies.

YJR/gh



HIGH COURT

DATED:25/07/2024



ORDER

CRLRC.No.508 of 2024

DISMISSING OF THE CRL.RC.

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23/11/24
by