

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

**MONDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE No: 762 of 2023

Criminal Revision filed under Section 397 & 401 of Cr.P.C against the Judgment dated 25-02-2021 passed in Cr.I.M.P.No.125 of 2020 in C.C.No.107 of 2019 on the file of the Court of the Judicial Magistrate of First Class, Zaheerabad.

Between:

1. Mr.Peddadoddi Shankar, S/o Chandraiah, Age: 38 years, R/o Sangam (K) Village, Advocate, Jharasangam Mandal, Sangareddy District.
2. Mr.Peddadoddi Chandraiah, S/o Bagappa, Age: 60 years, R/o Sangam (K) Village, Farmer, Jharasangam Mandal, Sangareddy District.

...Petitioners/Accused Nos.2 & 3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court Buildings, Hyderabad.
2. Mr.Kambalapally Anji reddy, S/o Laxmareddy, Age: 65 years, Caste: Reddy, Occ: Agriculture R/o Sangam-K Village, Jharasangam Mandal, Sangareddy District.

...Respondents

IA NO: 2 OF 2023

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 of all further proceedings in C.C.No.135 of 2021 on the file of the Hon'ble Judicial First Class Magistrate, Zaheerabad, Sangareddy District against the petitioners/Accused Nos.2 and 3 herein in the interest of justice.

Counsel for the Petitioners: Sri Kuriti Bhaskara Rao

Counsel for the Respondent No.1: Sri E. GANESH, Assistant Public Prosecutor

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE No.762 OF 2023

ORDER:

This Criminal Revision Case is filed seeking to set aside the order dated 25.02.2021 in CrI.M.P.No.125 of 2020 in C.C.No.107 of 2019 on the file of the learned Judicial Magistrate of First Class, Zaheerabad (for short, "the trial Court").

2. Heard Mr.Kuriti Bhaskar Rao, learned counsel for the petitioners and Mr.E.Ganesh, learned Assistant Public Prosecutor appearing for respondent No.1 State.

3. The brief facts of the case are that on 11.09.2019 respondent No.2/complainant lodged a report before the Station House Officer, Jharasangham Police Station, alleging that on 10.09.2019 at about 01:15 P.M., he went to the Tahsildar Office, Jharasangam to discuss about the disputed land in Survey No.34. Then, the accused attacked him and abused him in filthy language, due to which he sustained fracture injury on his right hand and bleeding injury on his nose. It is stated that the police, upon investigation, deleted the names of accused Nos.2 and 3 in the charge sheet. Aggrieved by the same, respondent No.2 filed the protest petition before the trial Court praying to take cognizance against accused Nos.2 and 3 for the offences punishable under Sections 326, 504 and 506 r/w 34 of I.P.C. The trial Court, vide impugned order, allowed the protest

petition filed by respondent No.2/complainant by stating that a *prima facie* case has been made out against accused Nos.2 and 3 and directed the Office to include the names of accused Nos.2 and 3 in the charge sheet. Assailing the same, the petitioners filed the present Revision.

4. Learned counsel for the petitioners submitted that the police concerned have examined LWs.1 to 12 and upon conducting thorough investigation, filed charge sheet against accused Nos.1, 4 and 5 only. He stated that respondent No.2 filed a protest petition seeking to include the names of the petitioners in the charge sheet and the trial Court, vide impugned order, erroneously allowed the protest petition. Therefore, he seeks to allow the Revision.

5. Learned Assistant Public Prosecutor opposed the same and sought to dismiss the Revision.

6. Having regard to the submissions made by both the learned counsel and without making any observations on the merits or demerits of this case, this Court deems it appropriate to direct the petitioners avail the alternative remedies as available under law, including filing an appropriate application under Section 239 Cr.P.C. seeking discharge. It is made clear this order shall not preclude the trial Court from passing orders in accordance with law.

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

Miscellaneous applications, if any, pending shall stand closed.

//TRUE COPY//

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Zaheerabad.
2. The Station House Officer, Jharasangam Police Station, Sangareddy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri Kuriti Bhaskara Rao, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED:14/10/2024

ORDER

CRLRC.No.762 of 2023

DISPOSING OF CRIMINAL
REVISION CASE

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3/12/24
SCOPES