

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD**
(Special Original Jurisdiction)

PRESENT
**THE HON'BLE SRI JUSTICE SAMUDRALA
GOVINDARAJULU**

CRL.P.NO.3779 OF 2010.

Date:30.04.2010

Between:-

Boya Koppula Sudharshan Naidu

..Petitioner/A-7

And

The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad and another.

.. Respondents

ORDER:-

The petitioner/A-7 is accused of offences punishable under Sections 147, 148, 324, 307, 506/149 I.P.C. in S.C.No.269 of 2009 on the file of Additional Assistant Sessions Judge, Kurnool.

2. It is contended by the petitioner's counsel that name of A-7 does not find place in F.I.R. and that his name was subsequently added in the charge sheet. At this stage, it may be noted that F.I.R. is not 'be all and end all' of the prosecution case. It is not

encyclopedia of the prosecution case. It is only a report, which puts criminal law machinery into motion. In F.I.R., after naming some of the accused, it was specifically stated that some others also joined those named accused. As per the investigation, A-2 to A-7 also attacked the second respondent/defacto complainant and two others with iron rods and stones.

3. It is further contended by the prosecution that as per wound certificates of the second respondent and two other injured, they suffered only minor and superficial injuries and that therefore, section 307 I.P.C. has no application to facts of this case. In order to attract offence punishable under Section 307 I.P.C., not even minor and superficial injuries are necessary. If the accused had any intention and made any attempt against the victim, it is sufficient, without even the victim suffering any injuries.

4. It is further contended by the petitioner's counsel that A-7 was attacked by the second respondent and others and he suffered injuries and he went to the police station and gave report and that the police did not take any action against the prosecution party. It is stated that when the police did not take any action, the petitioner/A-7 did not approach the Magistrate by way of a private complaint. All the contentions raised by the petitioner's counsel in this petition are all questions of fact, which this Court cannot go into and decide in this petition under section 482 Cr.P.C. I find no merits in this petition.

5. Hence, the petition is dismissed.

SAMUDRALA GOVINDARAJULU, J

30th April 2010
AMD