

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Crl.Rev.Pet.No. 277 of 2014 ()

Crl.MP 6595/2013 of J.M.F.C.-III, PUNALUR

REVISION PETITIONER/DEFACTO COMPLAINANT:

REJITH, AGED 49 YEARS
S/O. DAYANANDAN, SITHARA HOUSE, KARAVUR.P.O.
PIRAVANTHOOR VILLAGE, PATHANAPURAM TALUK
KOLLAM DISTRICT.

BY ADV. SRI.B.JAYASURYA

RESPONDENTS/RESPONDENTS/STATE AND ACCUSED:

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
 2. GOPALAKRISHNAN, AGED 71 YEARS
S/O. LAKSHMAN, PUTHENVEEDU, KARAVOOR.P.O.
KOLLAM DISTRICT. (NOW RESIDING AT KRISHNA KRIPA
RAMANKULANGARA, MARATHADI.P.O.
KOLLAM DISTRICT-691003.
 3. INDIRA, W/O. GOPALAKRISHNAN, PUTHENVEEDU, KARAVOOR.P.O.
KOLLAM DISTRICT. (NOW RESIDING AT KRISHNA KRIPA
RAMANKULANGARA, MARATHADI.P.O. KOLLAM DISTRICT-691003.
 4. SINDHU S. KUMAR, AGED 40 YEARS
D/O. GOPALAKRISHNAN, PUTHENVEEDU, KARAVOOR.P.O.
KOLLAM DISTRICT. (NOW RESIDING AT KRISHNA KRIPA
RAMANKULANGARA, MARATHADI.P.O.
KOLLAM DISTRICT-691003.
 5. ARUN.G., S/O. GOPALAKRISHNAN, PUTHENVEEDU, KARAVOOR.P.O.
KOLLAM DISTRICT. (NOW RESIDING AT KRISHNA KRIPA
RAMANKULANGARA, MARATHADI.P.O.
KOLLAM DISTRICT-691003.

R2 -R5 BY ADV. SRI.N.NAGARESH
R2 -R5 BY ADV. SRI.SHAJI THOMAS
R2 -R5 BY ADV. SRI.BINU PAUL
R2 -R5 BY ADV. SRI.T.V.VINU
R1 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
12-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.277 of 2014

Dated this the 12th day of October 2015

O R D E R

The revision petitioner is the petitioner in Crl.M.P. No.6595 of 2013 on the files of the Court of the Judicial Magistrate of First Class - III, Punalur, who in this revision petition challenges the order passed by the court below dismissing the complaint under Section 203 of the Code.

2. Heard both sides.

3. The revision petitioner filed a complaint before the court below alleging that the revision petitioner executed an agreement for sale in respect of 1.44 acres of property belonging to the first accused for a total consideration of

Rs.82,50,000/- . At the time of execution of the agreement, no advance consideration was paid. The agreement for sale was executed on 30.07.2012. Thereafter, the advance consideration was paid by the revision petitioner on 31.7.2012. In the complaint, it is averred that the property was agreed to be purchased for a consideration of Rs.33,000/- per cent. Thereafter, the sale was executed on 3.9.2012 after receiving the entire consideration of Rs.82,50,000/-. After the sale, the property was measured. Then, it was realised that the property was having a shortage of 12 cents. It is further alleged that the accused continued to reside in the house situated in the property on rent. He also paid the tax in respect of the property, even after the sale of the property. On the said allegations, the

complaint was filed.

4. Before the court below, the statement of the complainant and two witnesses was recorded.

5. After evaluating the relevant inputs, the court below found that the entire case advanced by the complainant would rest upon the breach of terms of agreement between the complainant and the revision petitioner and hence, there was no sufficient ground to proceed against the revision petitioner under Sections 420 and 468 read with Section 34 I.P.C. and Section 120(B) I.P.C. In the said circumstances, the court below dismissed the complaint under Section 203 of the Code.

6. The learned counsel for the revision petitioner could not point out any ground to hold that the finding by

the court below suffers from any infirmity warranting interference by this Court. Having gone through the relevant inputs, I am fully convinced that the order passed by the court below does not suffer from any illegality, impropriety or incorrectness warranting interference by this Court.

In the result, this revision petition stands dismissed.

I make it clear that the observation, if any, made in this order shall not be taken into consideration while disposing of any civil case relating to the transaction involved in this case.

Sd/
B.SUDHEENDRA KUMAR,
JUDGE

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PA to Judge