

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

CRIMINAL REVISION CASE No. 149 OF 2014

BETWEEN

Dr. G. Sucharitha

...Petitioner

And

Dr.R.G.Sunil Reddy and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 17.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

1. Whether reports of Local newspapers may be allowed to see the judgments?
YES/NO
2. Whether the copies of judgments may be marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE No. 149 OF 2014

ORDER:

This Criminal Revision Case is directed against the order dated 06.11.2013 passed by the learned IV Additional Chief Metropolitan Magistrate, Hyderabad in C.C.No.812 of 2013 in SR.No. 3268 of 2013 wherein and whereby the learned Judge took the cognizance of the offences punishable under Sections 420, 406, 418 read with 120-B IPC only, however did not take cognizance of the offence punishable under Section 379 of IPC.

It is contended by the learned Counsel for the petitioner/complainant that though there is prima facie evidence to establish the offence punishable under Section 379 IPC, the learned judge erred in not taking cognizance of the offence under the said provision.

A perusal of the complaint shows that the petitioner/complainant and Respondent No.1/Accused No.1 are wife and husband and they together constituted a partnership firm under the name and style of M/s. Rukkus Save and Smiles Cosmetic and Dental Specialty Hospital having equal shares of 50% each. One of the items belongs to the said partnership is motor car (Innova) bearing registration No. AP 09 BK 265. Para 12 of the complaint specifies grievance of the petitioner/complainant that the accused 2 and 3 who claimed to

be the directors of the fourth respondent-partnership firm have conspired with Accused No.1 and transferred the Innova vehicle bearing registration No. AP 09 BK 265 in favour of the fourth respondent-firm. The petitioner/complainant filed a complaint alleging that the said vehicle is in illegal custody of the fourth respondent and as such respondents/accused 1 to 3 have committed offence punishable under Section 379 IPC apart from other offences punishable under Sections 418, 420 read with 120-B IPC. It is seen from the complaint that the petitioner/complainant and respondent No.1/Accused No.1 representing the fourth respondent-firm as directors had purchased the said vehicle and registered in the name of the said partnership firm. When the said vehicle is in the name of the firm, question of the said vehicle being in illegal custody of firm-respondent No.4/Accused No.4 does not arise. Thus a careful perusal of the complaint prima facie establishes no case for the offence punishable under Section 379 IPC so as to invoke the jurisdiction of this court warranting interference with the order of the court below.

The Criminal Revision Case is therefore dismissed. It is needless to mention that during the course of trial, if the Court below finds any material for the offence punishable under Section 379 IPC or any other offences, it shall frame appropriate charges and proceed in accordance with law.

JUSTICE M.S.K. JAISWAL

DATED 17th August, 2015.
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