

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

CRL.R.C.No.2457 of 2013

JUDGMENT:

This Criminal Revision Case is filed questioning the correctness of the order of the learned Additional Junior Civil Judge, Miryalaguda, dated 03.10.2013 passed in CrI.M.P.No.803 of 2013 in C.C.No.21 of 2010.

It is the case of the prosecution that on 27.04.2009 at about 10.00 P.M. Accused No.1 and his son, who is the revision petitioner-A2, trespassed into the land of the 2nd respondent-complainant and took away their paddy crop with the help of harvesting machine and also threatened the father and sister of the complainant with dire consequences. Thereafter, 2nd respondent-defacto complainant went to Police Station and lodged a complaint with the police, upon which a case in Crime No.82 of 2009 was registered under Sections 447, 379 and 506 read with Section 34 I.P.C. and after completion of investigation, the Sub Inspector of Police, Huzurnagar Police Station filed charge sheet against the accused for the aforesaid offences before the trial Court and the same was taken on file as C.C.No.21 of 2010.

The revision petitioner is Accused No.2 in the aforesaid C.C.No.21 of 2010. When the matter is coming up for framing of charges, the revision petitioner-A2 filed the aforesaid CrI.M.P.No.803 of 2013 under Section 227 Cr.P.C. seeking to discharge him for the offences alleged against him. However, the Court below by order dated 03.10.2013 dismissed the said petition holding that there is sufficient material to proceed against the revision petitioner-A2.

Petitioner-in-person submitted that the dispute between the parties is purely civil in nature and in respect of the property in question, the parents of the revision petitioner had filed a suit being O.S.No.2 of 2010 against the 2nd respondent-defacto complainant and others for perpetual injunction and the same was decreed by the learned Junior Civil Judge, Huzurnagar, by judgment dated 14.06.2010. He further submitted that the 2nd respondent-defacto

complainant and her father are not at all the owners of the property in question and that he has been falsely implicated in the present case.

A perusal of the allegations in the complaint, statements of witnesses and other material available on record would clearly reveal a *prima facie* case to proceed against the revision petitioner-A2 along with another for the aforesaid offences. The truth or otherwise of the allegations cannot be gone into at the stage of deciding the matter under Section 227 Cr.P.C. and it can only be decided during the course of trial. Therefore, this Court is of the considered view that the impugned order does not suffer from any illegality or infirmity which calls for interference.

Accordingly, the Criminal Revision Case is dismissed. However, the trial Court is directed to proceed with the trial of the aforesaid Calendar Case and dispose of the same expeditiously, preferably, within a period of three months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

_____ **M.S.K.JAISWAL, J**

05-10-2015

Gsn