

THE HON'BLE MRS JUSTICE ANIS

CRIMINAL REVISION CASE NO.1000 OF 2008

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') is filed by the revision petitioner/complainant challenging the order dated 16.04.2008, passed by the learned Judicial Magistrate of First Class at Kamareddy, in an unregistered C.C. in C.F.R.No.545 dated 28.01.2008, whereunder and whereby the complaint filed by the complainant was dismissed under Section 203 Cr.P.C.

The revision petitioner herein is the complainant and respondent Nos.2 to 4 herein are the accused before the Judicial Magistrate of First Class at Kamareddy in unregistered C.C. in C.F.R.No.545 dated 28.01.2008. For the sake of convenience, the parties hereinafter will be referred to as they were arrayed before the trial Court.

The case of the complainant in brief is that he filed complaint against the accused Nos.1 to 3-respondent Nos.2 to 4 herein for the offences punishable under Sections 448, 353, 506 and 419 of the Indian Penal Code, 1860 (IPC), on the ground that while the complainant was discharging his duties as Principal of Karshak B.Ed. College, Kamareddy, from the year 2005 onwards, on 05.12.2007 and on 21.01.2008 some unknown persons along with A-1 entered into his Chamber and asked him to vacate the seat and when asked as to why he has to vacate the seat, the accused stated that they were having Court orders in their favour. When he asked to show Court orders, they forcibly removed him from the chair, manhandled him, took the keys of the almirah and all the records from him including the attendance register. Hence, the accused obstructed his official duties. On information, the Correspondent of the College namely Sri K.P.Rajireddy came to the college and questioned about the illegal activities. The accused stated that they have got injunction order from the Court and thereafter, they left the place. The complainant also stated that one K.Nagaiah and Sudhakar Reddy were present and they witnessed the incident. Subsequently, the accused opened bank account in Syndicate Bank and carried away an amount of Rs.2,18,200/- from the Coordinator, G.Ramireddy Center for Distance Education, Osmania University. The complainant also stated that on 22.01.2008 at about 11 am onwards, the accused again

manhandled the complainant, threatened with dire consequences and put him under threat of life with criminal intimidation and as such, he filed the present complaint praying the Court to take cognizance of the offences punishable under Sections 448, 353, 506 and 419 IPC against the accused.

The learned Judicial Magistrate of First Class at Kamareddy passed orders on 16.04.2008 stating that there is no *prima facie* case against the accused and as such, the complaint filed by the complainant is liable to be dismissed and accordingly, dismissed the complaint under Section 203 Cr.P.C. Aggrieved by the said order, the complainant filed the present revision.

Learned counsel for the petitioner argued that the allegation in the complaint against the accused-respondents is that on 05.12.2007 and 21.01.2008, the accused manhandled the complainant in the presence of one K.Nagaiah and Sudhakar Reddy and threatened him to dire consequences and put him under threat of life with criminal intimidation, as such the complainant apprehended danger to his life, which is sufficient to take cognizance of the case under Sections 448, 353, 506 and 419 IPC but the learned Magistrate has not considered the sworn statement given by the complainant along with the other witnesses and discarded the evidence of the complainant and therefore, prayed the Court to set aside the order dated 16.04.2008 in unregistered C.C. in C.F.R.No.545 dated 28.01.2008.

On the other hand, learned counsel for respondent Nos.2 to 4 argued that there is a dispute regarding the management and civil cases are pending between the parties. Further, the respondents are having injunction orders in their favour and the learned Magistrate has rightly pointed out that the evidence of the complainant is not corroborating with the complaint and further, his evidence is also not corroborated by the witnesses. It is also argued that the second witness was informed by the complainant regarding the occurrence on 05.12.2007. It is further argued that Sri K.Rajireddy, the Correspondent of the College, has not stated anything about the alleged incident and therefore, the complainant has not made out any case to set aside the order dated 16.04.2008 passed by the learned Judicial Magistrate of First Class at Kamareddy in unregistered C.C. in C.F.R.No.545 dated 28.01.2008.

Now, the point for consideration is whether the complainant is entitled to set aside the order dated 16.04.2008 in unregistered C.C. in C.F.R.No.545 dated 28.01.2008.

POINT:

A perusal of the record shows that the complainant filed a private complaint before the learned Judicial Magistrate of First Class at Kamareddy in order to take cognizance of the offences. The trial Court recorded the sworn statement of the complainant and also other witness by name, Sri K.P.Rajireddy, who is the Correspondent of the College. As per the sworn statement of the complainant, some unknown persons along with one Lecturer i.e., the second respondent herein entered his chamber and asked him to vacate his seat and when he asked why to vacate the seat, they told that they have Court orders in their favour. But they failed to show the Court orders when asked and manhandled him. Thereafter, they also took the keys and all the records including the Attendance Register. Learned Magistrate, considering the evidence on record, i.e., the sworn statement of the complainant and the statement of the other witness, Sri K.P.Rajireddy, held that there is no *prima facie* case against the accused-respondent Nos.2 to 4 and further, held that the complainant failed to give the names of the persons, who trespassed into his chamber. Learned Magistrate also observed that there is civil dispute pending between the parties and as such there are no grounds to take cognizance of the offence. Apart from the allegations made by the complainant, there is no corroborated evidence produced by him through any witness. The learned Magistrate rightly held, after considering the evidence of the complainant and also the witnesses, that the complainant has not made out *prima facie* case against the accused-respondent Nos.2 to 4 and dismissed the private complaint filed by him. Therefore, the findings of the learned Magistrate need no interference and as the complainant has not made out any case against the accused, there is no need to interfere with the order of the trial Court dated 16.04.2008 in unregistered C.C. in C.F.R.No.545 dated 28.01.2008.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending shall stand closed.

(ANIS, J)

28th April 2015

RRB