HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3952 of 2015

ORDER:

The petitioner, who is accused No.1 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.100 of 2013 of Nellore II Town Police Station, Nellore District, registered for the offences punishable under Sections 467, 468, 471, 506 and 420 read with 34 IPC. Originally a private complaint was filed under Section 200 Cr.P.C. which was referred to the police under Section 156 (3) Cr.P.C.

The allegations in the private complaint are as under:

The complainant and accused are known to each other. The complainant is decided to purchase a house plot situated at Venugopal Nagar, near Kisan Nagar, Nellore city. Believing the version of accused No.1, the informant purchased the house plot belonging to accused No.2 for Rs.1,60,000/- and paid the amount on 19.06.2010 to accused No.2 in the house of accused No.1. Accused No.2 executed a sale deed in favour of the complainant in the presence of the witnesses. On the same day at the instance of accused No.1, the complainant purchased another house plot belonging to one Akki Sujatha for Rs.3,00,000/- and paid the amount to accused No.1 in his house. On the same day accused No.1 handed over the un-registered sale deed executed by Akki Sujatha in favour of the informant. After purchase of the said plots, the informant approached accused No.1 to give possession of the plots, but he was postponing the same on one pretext or the other. Thereafter, the informant came to know that accused No.1 executed an un-registered sale deed of Akki Sujatha by impersonation with another woman instead of Akki Sujatha, who is also a victim in the hands of accused No.1. Later, he also came to know that pattas shown by accused No.1 are not original pattas. When the informant enquired about the matter with the Tahsildar, it was informed that the said pattas were not issued by the Tahsildar Office. Thus, accused Nos.1 and 2 cheated the informant and collected a sum of Rs.4,60,000/- from him. When the complainant asked the accused for return of money, both the accused are alleged to have abused him in vulgar language and also threatened with dire consequences. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

A reading of the allegations in the private complaint would show that the informant by believing the words of accused No.1 purchased a house plot belonging to accused No2. for Rs.1,60,000/- and paid the said amount in the house of accused No.1, for which accused No.2 executed a registered sale deed in the presence of witnesses. At the instance of accused No.1, the informant purchased another house plot belonging to Akki Sujatha for Rs.3.00 lakhs and paid the amount to accused No.1. Accused No.1 is alleged to have handed over un-registered sale deed to the complainant. After receipt of accused No.1 failed to hand over possession of the same and was postponing the same on one pretext or other. Then, the informant came to know that accused No1 got executed the un-registered sale deed of Akki Sujatha by impersonation. The pattas shown by accused No.1 were not original pattas and they were created by accused No.1. In view of the allegations made which in my view *prima facie* constitute the offence alleged and as the offences alleged are serious in nature, his request cannot be considered.

Accordingly, the Criminal Petition is dismissed. However, it is always open to the petitioner to surrender before the appropriate Court and move an application before the Court concerned after giving prior notice to the Public Prosecutor, which shall be dealt with in accordance with law at the earliest.

C. PRAVEEN KUMAR, J

30.04.2015

gkv