

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

Criminal Revision Case No. 427 of 2013

Order:

This Criminal Revision Case is directed against the orders, dated 17.09.2012, passed in CC (SR) No. 3265 of 2011 by the learned Judicial Magistrate of First Class, Pithapuram.

The petitioner herein filed a private complaint against the respondents/A1 to A14 alleging the offences punishable under Sections 379, 380, 411, 427, 448, 451, 452, 454 and 506 read with Section 34 IPC. After considering the entire material on record, the learned Magistrate has refused to take cognizance thereof on the ground that the sworn statement of the complainant did not say that the accused have committed the theft, but she deposed that she came to know that the belongings and other paddy items were subjected to theft. The learned Magistrate further observed that with regard to the alleged commission of theft, the father of the complainant already gave a report to the Court and the same was forwarded to the police for investigation under Section 156(3) Cr.P.C. It was also observed that the complaint given by the father of the complainant in respect of the same offence has been registered by the police and investigation is in progress, hence, the complaint was dismissed.

It is not denied that on the self same allegation of theft, previously, the father of the petitioner had filed similar private complaint before the same Court, which was referred to the police under Section 156(3) Cr.P.C., and the said complaint was registered and investigation is in progress. When that is the case, there cannot be any subsequent private complaint on the self same allegation of

theft by the petitioner herein. Therefore, the learned Magistrate is justified in rejecting to take cognizance of the present complaint. There are no merits in the Criminal Revision Case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. It is needless to say that as and when the police file final report, the petitioner/complainant or her father are at liberty to avail the remedies available to them under law.

As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 19.06.2015

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