

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL REVISION CASE No.298 of 2015

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ORDER:

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The present Criminal Revision Case is filed by the *de facto* complainant, under Sections 397 and 401 Cr.P.C., aggrieved by the docket order dated 04.02.2015 passed in C.F.No.95 of 2015 on the file of the Judicial Magistrate of First Class, Peddapalli, wherein and whereunder, a private complaint filed by the petitioner was returned on the ground of jurisdiction.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner herein filed a private complaint under Section 200 Cr.P.C. against the second respondent herein for the offences punishable under Sections 420 and 468 IPC. The allegations in the complaint are as under:

One Mohd. Ibrahim Ali, who is the father of the petitioner, had purchased land to an extent of Ac.05.05 gts. in Sy.No.285 situated at Poosala village of Sultanabad Mandal through registered sale deed bearing No. 828 of 1980. In the year 1983 the S.R.S.P. authorities acquired land to an extent of Ac.2.02 gts. and awarded meagre amount of compensation. Aggrieved by the same, the father of the petitioner approached this Court for enhancement of compensation. After hearing the matter, this Court remanded the matter to the Senior Civil Judge, Peddapally. The father of the petitioner died 25 years back and he has not executed any document in favour of any of his legal heirs. The second respondent is the son of Mohd. Sabir Ali. The said Mohd. Sabir

Ali is the elder brother of the petitioner. The second respondent was born after the death of the father of the petitioner. The second respondent impersonated the father of the petitioner and their names are one and the same with an intention to grab the amounts from S.R.S.P. authorities and later withdrew an amount of Rs.39,62,840/- without any right. It is thus stated in the complaint that the second respondent colluded with S.R.S.P. authority created forged documents, impersonated and grabbed the amounts without consent of all the legal heirs of the father of the petitioner. Basing on these allegations the above complaint came to be filed. The learned Magistrate returned the complaint on point of jurisdiction, stating that the complainant has to be filed at Sultanabad.

The learned counsel for the petitioner mainly submits that the lands are situated within the limits of Poosala village, but the alleged act of forgery and impersonation took place within the jurisdiction of the Court at Peddapalli.

A perusal of the averments in the complaint would show that the father of the complainant was the owner of a land to an extent of Ac.5.05 situated in Poosala village. The land to an extent of Ac.2.02 was acquired by S.R.S.P. authorities in the year 1983. As the compensation awarded was meagre, the father of the informant approached the High Court for enhancement of the compensation and this Court referred the matter to Senior Civil Judge, Peddapally. The father of the complainant died about 25 years back. After his demise the second respondent, who is the elder brother's son of the complainant, impersonated his grand father with an intention to grab the compensation amount from S.R.S.P. authorities and it is stated that an amount of Rs.39,62,840/- was paid to him by S.R.S.P. authorities. It is to be noted that though the lands are situated at Poosala village but the alleged fraud took place within the jurisdiction of Peddapalli Court as the S.R.S.P. authorities office where the alleged impersonation took place is situated within the limits of

Peddapalli Court. The said fact is not disputed by the learned counsel for the second respondent. In view of Section 177 and 178 of Cr.P.C. the Court at Peddapalli, get jurisdiction to try the case. Hence, the order dated 04.02.2015 in C.F.No.95 of 2015 on the file of the Judicial Magistrate of First Class, Peddapalli, is set-aside and the matter is remanded back to the Judicial Magistrate of First Class, Peddapally, to decide the same in accordance with law.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case shall stands closed.

JUSTICE C. PRAVEEN KUMAR

29.04.2015

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