

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.Nos.1413, 1414, 1415 & 1416 of 2013

COMMON JUDGMENT:

Since the parties are common and also the point involved in these revisions is one and the same, they are being disposed of by this common judgment.

All these revisions are directed in so far as the dismissal portion of the orders dated 01.07.2013 passed in Crl.M.P.Nos.2296, 2295, 2293 and 2294 of 2013 respectively in C.C.No.652 of 2009 on the file of the Court of the II-Additional Judicial Magistrate of First Class, Tanuku.

On a complaint given by the 2nd respondent herein (P.W.1), a case in Crime No.120 of 2008 was registered against the petitioners-accused by the Sub Inspector of Police, Peravali Police Station for the offences punishable under Sections 447, 506 and 430 read with Section 34 I.P.C. Eventually, after completion of investigation, a charge sheet was laid under the aforesaid offences against the petitioners in the Court of the II-Additional Judicial Magistrate of First Class, Tanuku and the same was numbered as C.C.No.652 of 2009. In the said case, trial was taken up, P.Ws.1 and 2 were examined and during the course of cross-examination of P.W.2, learned Counsel for the petitioners-accused put some suggestions to him to disprove the case of prosecution. At that stage, the prosecution filed the aforesaid four Crl.M.P.Nos.2296, 2295, 2293 and 2294 of 2013, one for receiving certain documents in civil matters filed by P.W.2; another for summoning an Advocate Commissioner to give evidence in the matter; third one for recalling P.W.2 for the purpose of further cross-examination and fourth one for summoning the father of the petitioner-A2 to give evidence as additional witness. The trial Court, by docket orders dated 01.07.2013, allowed these petitions holding that the prosecution shall be given an opportunity to prove its case.

Aggrieved by the said orders, the petitioners-accused filed the present revisions.

Heard the learned Counsel appearing on either side and perused the material available on record.

A perusal of the impugned orders, which are ex facie cryptic in nature, would disclose that no cogent and convincing reasons are assigned while allowing the aforesaid petitions. Admittedly, the prosecution filed the aforesaid Calendar Case No.652 of 2009 against the petitioners-accused for the offences punishable under Sections 447, 506 and 430 read with Section 34 I.P.C alleging that the petitioners-accused trespassed into the agricultural land of the 2nd respondent-defacto complainant (P.W.1) and caused inconvenience to the paddy transplantation work by plugging the water channel leading to the field while P.W.1 was bailing out the water for agricultural operations from the water motor. From a perusal of the record, it is evident that there are several disputes among the petitioners-accused and the family members of the 2nd respondent-defacto complainant in respect of the aforesaid land and in that connection number of suits were filed. Further, the Calendar Case is of the year 2009 and the evidence of P.Ws.1 and 2 was closed long back. At this stage, if the aforesaid petitions are allowed, there will be further delay in disposal of the case. That apart, the criminal proceedings cannot be allowed to be converted into civil proceedings. Therefore, there is absolutely no justification for the learned Magistrate in allowing the aforesaid petitions filed by the prosecution. In that view of the matter, the impugned orders are set aside.

All these Criminal Revision Cases are accordingly allowed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

17-11-2015

Gsn