

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3270 of 2015

ORDER

The present criminal revision case is directed against the order dated 23.04.2015 passed in C.F.R.No.2421 of 2014 in Cr.No.51 of 2013 by the learned I Additional Junior Civil Judge, Narasaraopet, Guntur District.

2. Respondent No.1 herein filed a private complaint against the petitioner/A1 and her GPA holder alleging that they sold plot No.30, which was already sold to one Kasikanti Lakshmi Kantha Sarma, to him with a malafide intention by receiving a sum of Rs.20,400/- under a registered sale deed dated 11.03.1996 and the said complaint was registered in Cr.No.51 of 2013 for the offence under Section 420 IPC against A1 and A2. After investigation, the police deleted the name of A1 in the charge sheet. Since respondent No.1 died, his legal representatives were added as complainants. Hence, respondents 1 to 5 filed the protest petition to take cognizance against A1. By the order impugned, the trial Court after considering the statement of respondent No.1 and the final report filed by the police, allowed the said petition and took cognizance under Section 420 IPC against A1 and A2. Aggrieved by the same, A1 filed the present revision.

3. Heard and perused the material on record.

4. Learned counsel for the petitioner mainly contended that even though the investigating agency deleted the name of petitioner/A1 holding that there is no incriminating material against

her for the alleged offence, the trial Court ought not to have taken cognizance against her.

5. The order impugned shows that the trial Court after perusing the sworn statements of respondent No.1 and his younger brother G. Nageswara Rao, who categorically stated that A1 and A2 sold the plot to respondent No.1 after receiving the sale consideration and executed a registered sale deed in the year 1996 and also the report filed by the police and 161 Cr.P.C.statement of K. Lakshmi Kantha Sarma, which disclose that on 30.03.1995 i.e., one year prior to the registration of sale deed in favour of respondent No.1, A2 executed a registered sale deed for the same plot in favour of K. Lakshmi Kantha Sarma, found *prima facie* case against A1 and took cognizance against her for the offence punishable under Section 420 IPC. Therefore, this Court is of the view that the trial Court has rightly passed the impugned order and there is no need to interfere with by this Court. However, the petitioner is at liberty to file a discharge petition before the concerned Court. On filing such an application, the trial Court shall pass appropriate orders after hearing both sides. Till such time, the presence of petitioner/A1 is dispensed with before the trial Court except on the dates expressly directed by the trial Court and the petitioner shall be represented by her counsel.

6. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

31st December, 2015
sj