

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1469 of 2013

ORDER :

Aggrieved by an order dated 05.12.2012 passed in CrI.M.P.No.29 of 2012 in C.C.No.3 of 2012 on the file of the Principal Junior Civil Judge, Visakhapatnam, the present revision is filed under Sections 397 and 401 of Cr.P.C.

A charge sheet came to be filed against the petitioner for the offences punishable under Sections 447, 427 and 506 IPC and Sections 3 and 4 of the Andhra Pradesh Land Grabbing Act, 1982. The allegations in the charge sheet are as under:

On 10.09.2011 the petitioner/accused is alleged to have gone to the police quarters, entered into the compound wall and marked some place with line powder. When, questioned, the petitioner claimed that the said land belongs to him and when demanded to show the records he went away. Again on 12.09.2011 morning at about 11.00 a.m. the petitioner is alleged to have entered into the premises of the quarters, dismantled the parapet wall while digging the sand that was marked earlier by him. When the complainant questioned him about demolition of parapet wall, the petitioner is alleged to have picked up a quarrel and threatened him with dire consequences. Basing on these allegations, a charge sheet came to be filed. The learned Magistrate took cognizance of the case and the same came to be numbered as C.C.No.3 of 2012.

Thereafter, the petitioner herein filed an application under Section 245 (ii) Cr.P.C. seeking discharge. By an order dated 05.12.2012 the learned Principal Junior Civil Judge, Visakhapatnam, rejected the application holding that the authenticity and genuineness of the documents filed by the petitioner have to be gone into during the course of trial and since the issue involves disputed questions of fact, the same

cannot be adjudicated in discharge application. Aggrieved by the said order, the present revision came to be filed.

Though the petitioner filed the revision challenging the impugned order, but however seeks a direction for disposal of the case as expeditiously as possible.

Having regard to the circumstances stated above and taking into consideration the submission made by the learned counsel for the petitioner, the learned Principal Junior Civil Judge, Visakhapatnam, is advised to dispose of C.C.No.3 of 2012 as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. Meanwhile, the presence of the petitioner in the above C.C. shall stand dispensed with except on the dates when his presence is specifically required by the trial Court.

With the above direction, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.04.2015
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