

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.735 OF 2015

ORDER:

The present criminal revision case is filed by the petitioner challenging the order, dated 09.02.2015, passed in CrI.M.P.No.186 of 2015 in C.C.No.136 of 2011, by the learned Judicial First Class Magistrate, Anaparthi, East Godavari District, whereby the Court below dismissed the petition filed by the prosecution to receive the documents.

Heard.

Learned counsel for the petitioner/complainant submitted that the complainant, P.W.1, has not yet cross-examined by the accused and as such, dismissal of the petition filed by the prosecution to mark the documents during the course of trial is illegal and is liable to be set aside. He further submits that he has to prove that the house belongs to him in order to prove that the second accused, who is none other than the son of the complainant, has trespassed into his house and has taken away the motor pump, which was in the possession of the complainant.

This Court is of the view that unless and until the accused disputed that the house does not belong to the petitioner/complainant herein, the question of proving the ownership of the house does not arise. However, after cross-examination of the petitioner by the accused, if the petitioner/complainant still feels to file an application to prove his ownership of house, he is at liberty to do so and the Court below is directed to pass appropriate orders on the same in accordance with law.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

10.09.2015
pln