

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.1874 of 2010

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent-State.

The present criminal revision case is filed challenging the order passed in C.C.No.2763 of 2009 dated 11.8.2010 on the file of the Court of the Judicial Magistrate of I Class, Pithapuram, in dismissing the complaint filed by the petitioner against the respondents 2 to 54.

The facts in brief are that the petitioner herein filed a complaint stating that the respondents 2 to 56 herein conspired together and formed themselves into an unlawful assembly armed with sticks, knives and iron rods on 11.8.2009 at 11 pm, damaged the entrance iron gate and forcibly entered into various rooms of residential house of the petitioner and threatened the women folk and other members of the family. Pursuant to the said complaint, Crime No.105 of 2009 was registered on 15.9.2009. The police, after examining the complainant, recorded the statements of PWs.1 to 21 and referred the case as false one. It is mentioned in the final report that the Government, SEZ authorities have sanctioned Rs.5,66,800/- towards compensation and the amount was paid in the name of the petitioner/complainant. Since respondents 2 to 56 went to the house of the petitioner in good faith and asked for distribution of the said compensation, the petitioner filed the complaint. That apart, the petitioner in his sworn statement has stated that on 13.8.2009 at 11.00 pm, A.1 to A.54 attacked his house demanding distribution of compensation amount and damaged the

articles. In the complaint, the petitioner has stated that the offence was committed on 11.8.2009 but not on 13.8.2009. PW.2 in his sworn statement has stated that the offence took place on 11.8.2009 at 11.00 am. There is variation with regard to the date of offence in the sworn statement and also the timing. In these circumstances, the Court below has dismissed the complaint. Challenging the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner would contend that due to mistake, the petitioner has stated 13.8.2009 instead of 11.8.2009. However, in the complaint, the petitioner has categorically stated 11.8.2009 at 11 pm but not 13.8.2009. That apart, PW.2 in his sworn statement has stated that the incident happened on 11.8.2009 at 11 am.

Learned Public Prosecutor appearing for the 1st respondent-State has contended that there is material inconsistency with regard to the date and time of commission of offence in the evidence of PWs.1 and 2.

In the light of this discrepancy, this court does not find any irregularity or illegality in the order passed by the learned Magistrate in dismissing the complaint. Therefore, there are no merits and the criminal revision case is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.KESHAVA RAO

Date: 24/09/2018
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