

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.2531 of 2014

ORDER:

There is no representation on behalf of the petitioner.

The present revision case is filed challenging the orders passed in CrI.M.P.No.2111 of 2014 in C.C.No.869 of 2013 dated 24.11.2014 on the file of the Chief Metropolitan Magistrate, Hyderabad, dismissing the petition filed under Section 239 Cr.P.C., to discharge the petitioner for the offences under Sections 448, 506 and 384 IPC.

The facts in brief are that the 2nd respondent lodged a complaint against the petitioner stating that on 27.05.2010 at about 3.00 p.m. while he was talking with the locality persons by name Sri Mahesh Kumar Sharma and his brother's son, Akshay Vijay Wargi, the petitioner came and asked him to pay Rs.50,000/- to withdraw the case filed against him in the City Civil Court in a rash manner and threatened him with dire consequences. The petitioner also threatened him that if the said amount is not paid, he will see that his house will be demolished by the GHMC authorities. He also stated that the petitioner got many houses demolished by GHMC officials on his complaints in similar fashion. Not only that, on the spot he demanded a sum of Rs.5,000/-. Initially, the 2nd respondent got frightened with the behaviour of the petitioner and gave him Rs.2,000/-. Thereafter, he filed a complaint. Pursuant to the complaint, a crime was registered vide Crime No.135 of 2010 for the above said offence. After investigation, a charge sheet was filed.

The learned Magistrate, after taking cognizance of the offence, numbered the case as C.C.No.869 of 2013. During the pendency of the said C.C., the petitioner filed CrI.M.P.No.2111 of 2014 under Section 239 Cr.P.C., to discharge him for the offence against which he is charged. The said petition came to be dismissed by orders dated 24.11.2014. Aggrieved by the same, the present revision case is filed.

A perusal of the material on record, particularly, the charge sheet, clinchingly evidences the specific allegations made against the petitioner for the above said offence. LWs.2 and 3, who are the eye witnesses for the highhanded acts of the petitioner, gave statements to that effect. In fact, the petitioner, even without the permission of the 2nd respondent, entered into his house and thereby committed an offence of trespass. Merely, because a civil revision is pending between the parties, it does not preclude from registering a crime when the petitioner has committed the offence of trespassing and threatening the 2nd respondent with dire consequences, if he fails to pay the demanded amount. Further, it is also specifically mentioned in the charge sheet that the petitioner is in the habit of issuing notice to different persons in the locality noticing the loopholes in the construction made by them and thereafter threatening them for demolition of the houses, if they fail to meet his demands. In fact, on 31.07.2007, on the requisition filed by LWs.16 and 14, the III Metropolitan Magistrate, Nampally, recorded the statements of LWs.1 to 3 under Section 164 Cr.P.C. Therefore, when specific allegations are made with regard to commission of offence, the petitioner cannot be discharged for the above said offence. In fact, a perusal of the

charge sheet would also establish *prima facie* case for the purpose of framing charges. Therefore, this Court is of the opinion that there are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 07.09.2018.
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