

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No. 2335 of 2014

ORDER:

The present criminal revision case is filed challenging the judgment dated 15.07.2014 in CrI.A.No.168 of 2012 on the file of the Court of the V Additional District and Sessions Judge (Fast Track Court), Ranga Reddy District, confirming the judgment passed in C.C.No.120 of 2010 dated 12.12.2011 on the file of the III Metropolitan Magistrate, Cyberabad at LB. Nagar, Ranga Reddy District, acquitting the respondents 2 to 5 for the offences under Sections 406 and 420 IPC.

The facts of the case are that the petitioner herein, lodged a private complaint against the respondents 2 to 5 for the offences under Sections 406 and 420 IPC. It is the case of the petitioner that he is the Managing Partner of Kalyan Constructions and in-charge of business. In the course of his business, the Company purchased property admeasuring Ac.08.04 guntas in Sy.No.630 of Kapra village, Ranga Reddy District. While the matters stood thus, second respondent (A-1) filed a complaint under Section 31 of A.P. (3-A) Tenancy and Agriculture Act, 1950 stating that the lands purchased by PW-1 was leased to him and others and the vendors of PW-1 have forcibly occupied the lands. The Mandal Revenue Officer dismissed the petition filed by the accused and six others vide orders dated 04.07.2011 and held that PW-1's vendors are the owners and therefore he acquired perfect title. Second respondent (A-1) sought review of the orders passed by the Mandal Revenue

Officer, Keesara Mandal and the same was dismissed on 10.04.2002. Further, second respondent (A-1) fabricated the orders of the Mandal Revenue Officer and when the fact was brought to the notice of the Mandal Revenue Officer, the Mandal Revenue Officer gave a complaint at Kusaiguda Police Station and a case in Crime No.214 of 2002 for the offences under Sections 458 and 420 IPC was registered and the same was pending. Thereafter, the accused approached PW-1/complainant for settlement. Though PW-1 is the absolute owner having right over the property, gave Rs.5 lakhs to the accused and on that ground the writ petition pending on the file of this Court was dismissed as not pressed. In spite of the same, the accused having filed an affidavit before this Court on oath by suppressing the confirmation of title of the complainant, filed a suit only to cheat him and deprive his legitimate rights over the property with false allegations to grab the property. Therefore, he filed a complaint for the above said offences. The matter was referred to the police concerned under Section 156(3) Cr.P.C. The Court took the cognizance of the above said offences against the accused and numbered the case as C.C.No.120 of 2010. On appearance of the respondents 2 to 5/accused, in compliance with Section 207 Cr.P.C., they were furnished with the documents and examined under Section 239 Cr.P.C. and charges for the above said offences were framed. They pleaded not guilty and claimed to be tried. The petitioner examined PWs.1 to 5 and marked Exs:P-1 to P-6. After closure of complainant's side evidence, the respondents 2 to 5 were examined under Section 313 Cr.P.C. with reference to the incriminating evidence brought on record against them, for which

they denied the same and reported no evidence. After hearing, by judgment dated 12.12.2011, the respondents 2 to 5 were found not guilty and accordingly they were acquitted. Aggrieved by the said judgment, an appeal was filed in CrI.A.No.168 of 2012 on the file of the V Additional District and Sessions Judge (Fast Track Court), at Ranga Reddy District. On hearing, the said appeal was also dismissed by judgment dated 15.07.2014. Aggrieved by the same, the present criminal revision case is filed.

From the perusal of the material on record, the only grievance of the petitioner for filing the present complaint is that the respondents 2 to 5 demanding additional amount from him and also threatening. But, absolutely there is no evidence available on record to show the same. That apart, from the further perusal of the material, it is clear that the case is purely civil in nature. When the respondents 2 to 5 are trying to interfere with his peaceful possession, it is always open for the petitioner to file a civil suit in an appropriate Court of law and seek remedies. When the prosecution failed to prove the basic ingredients of the above said offences levelled against the respondents 2 to 5, it cannot succeed in convicting them. In fact, the learned Magistrate and the lower appellate Court have categorically held after appreciating the evidence that the petitioner failed to adduce any evidence in proving the offences against the respondents for the offences with which they were charged. Mere demanding of additional amount and threatening the petitioner with dire consequences, is not a ground to lodge a complaint for the offences under Sections 406 and 420 IPC. The basic ingredients of the above said offences

entirely different when compared to the allegations made in the complaint against the respondents 2 to 5.

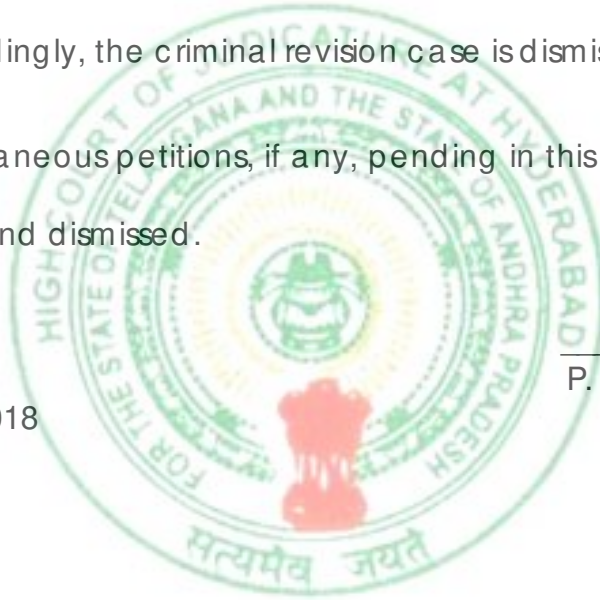
Be that as it may, the scope of revision filed under Sections 397 and 401 Cr.P.C. is very limited. Unless and until, the perversity or otherwise patent illegality on the face of the record is established, the petitioner cannot succeed in the revision. In the case on hand, the petitioner miserably failed to make out any case as stated supra. As such, this Court is of the opinion that there are no merits in the revision and is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand dismissed.

Date: 10.09.2018
ccm

P. KESHA VA RAO, J



HON'BLE SRI JUSTICE P. KESHAVA RAO



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