

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.1516 of 2006

ORDER:

As there was no representation for the petitioner on 18.04.2018, the matter was directed to be listed today under the caption "For Dismissal". Even today, there is no representation for the petitioner. However, without waiting for the counsel for the petitioner to advance arguments, this Court can examine the material on record and pass appropriate orders.

2. This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner, challenging the judgment, dated 22.07.2005, passed in C.C.No.394 of 2002 by the II Additional Judicial Magistrate of First Class, Khammam, whereby, the Court below found the respondents 1 and 2 herein/A.1 & A.2 not guilty of the offences punishable under Sections 420, 423, 425 of I.P.C. and acquitted them accordingly.

3. To prove the guilt of the respondents 1 and 2 herein/A.1 & A.2, the petitioner herein/de-facto complainant deposed before the Court below as P.W.1, got examined four witnesses as P.Ws.2 to 5 and got marked Ex.P.1 – private complainant filed into Court by PW-1, Ex.P.2 – Sale agreement executed by A-1, Ex.P.3 – Four endorsements made on the reverse of Ex.P-2, Ex.P.4 – Public Notice published in 'Vaartha' daily, dated 23.04.2001, Ex.P.5 – Printed FIR in Cr.No.78/02 of PS Khanapuram Haveli, Ex.P.6 – Crime details form, Ex.P.7 – Postal receipt No.2023, dated 26.07.2001, Ex.P.8 – Postal acknowledgement for the legal notice, Ex.P.9 – Office copy of legal notice, Ex.P.10 – Reply notice, Ex.P.11 –

Office copy of reply notice sent to Ex.P.10, and Ex.P.12 – Reply notice.

No oral and documentary evidence has been adduced on behalf of the respondents 1 and 2 herein/A.1 & A.2.

4. The Court below ultimately found the respondents 1 and 2 herein/A.1 & A.2 not guilty of the offences punishable under Sections 420, 423, 425 of I.P.C. The case of the prosecution is that the de-facto complainant agreed to purchase land belonging to A.1 measuring 20 Guntas for Rs.3,00,000/- and paid Rs.1,00,000/- towards advance, under agreement of sale, dated 06.11.2000. Thereafter, another Rs.1,25,000/- was paid by the de-facto complainant to the accused. The evidence of P.W.1 is that the remaining balance of sale consideration was not paid to the accused, the accused sold away the subject land in favour of third parties. Ex.P.2 is the agreement of sale, dated 06.11.2000. As per Ex.P.12 – reply notice, P.W.1 did not come forward for execution of regular sale deed and payment of balance of sale consideration. The matter was placed before the elders and the elders resolved that the accused should repay the advance amount of Rs.1,00,000/- to P.W.1. The dispute appears to be civil in nature, i.e., with regard to the sale and purchase of 20 Guntas of land in Survey No.10/A situated at Khanapuram Haveli. The prosecution could not establish the guilt of the accused for the offences under Sections 420, 423, 425 of I.P.C. There is no intentional deception on the part of the accused from the date of agreement of sale. The Court below had appreciated the evidence and entire material on record in right perspective. There is no omission on the part of the Court below in appreciating the entire material on record. There is nothing to take a different view. There is no miscarriage of

justice. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

5. In the result, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand dismissed.

19th April, 2018
Bvv

Dr. SHAMEEM AKTHER, J

