

**THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**Criminal Revision Case Nos.2414 & 2417 of 2014**

**COMMON ORDER:**

Crl.R.C.No.2414 of 2014 is filed by A53 and Crl.R.C.No.2417 of 2014 is filed by A55, A57 to A60 aggrieved by the order dated 19.03.2014 in Crl.M.P.Nos.2196 and 2195 of 2013 in C.C.No.223 of 2006 passed by II Additional Judicial Magistrate of First Class, Eluru, dismissing the petitions filed by them under Section 227 Cr.P.C. to discharge them from criminal proceedings in C.C.No.223 of 2006.

2) Heard arguments of Sri K.Chidambaram, learned counsel for petitioners and learned Public Prosecutor (AP) for respondent.

3) Learned counsel for petitioners would submit that A63, having been aggrieved by the order in Crl.M.P.No.792 of 2009 for dismissal of his discharge application, filed Crl.R.C.No.1709 of 2010 before this Court and this Court by order dated 17.10.2012 allowed the said revision case by setting aside the impugned order and quashed the proceedings against him in C.C.No.223 of 2006. He would submit that the observation in the aforesaid order will enure to the benefit of present petitioners also and therefore treating the said order as a covered judgment, these Criminal Revision Cases may be allowed.

4) I have perused the order in Crl.R.C.No.1709 of 2010.

5) The facts in C.C.No.223 of 2006 briefly are that the petitioners herein and the petitioner in Crl.R.C.No.1709 of 2010 were the staff of MRO offices—Jeelugumilli and Buttayagudem of West Godavari District and allegation against them was that without properly verifying the record and without following the procedure they issued pattadar pass books and title deeds to non-tribal Ryots. Hence, they were prosecuted for the offences under Sections 420, 465, 466, 471, 473, 120(B) r/w 110 and 34 IPC and Section 13(1) (d) of Prevention of Corruption Act, 1988. The petitioner in Crl.R.C.No.1709 of 2010 was the Mandal Revenue Officer of Jeelugumilli Mandal during the relevant time. This Court in Crl.R.C.No.1709 of 2010 observed that a perusal of report dated 23.02.2005 of the District Collector showed that the claimants to whom the petitioner therein and others issued pattadar pass books and title deeds have established their long possession and enjoyment and therefore it cannot be said the petitioner caused wrongful gain to the non-tribals and wrongful loss to the Government by issuing the patadar pass books. This Court further observed, as seen from the record, there were no complaints from the tribals claiming any right over the land by virtue of the orders passed by the petitioner for issuance of pattadar pas books and there are no civil disputes pending in respect of those lands. In view of the same, it was observed that continuation of criminal proceedings against the petitioner would be a futile exercise. I am of the considered view that the observation made in Crl.R.C.No.1709 of 2010 would equally apply to the petitioners herein who were the staff in MRO office working in different designations; for instance, petitioner in Crl.R.C.No.2414 of 2014 (A53) was Senior Assistant in

MRO Office, Jeelugumilli Mandal and petitioners in CrI.R.C.No.2417 of 2014 were working in the capacity of Village Revenue Officers and Revenue Inspectors as such they were officiating under A63. The order passed in CrI.R.C.No.1709 of 2014 would equally enure their benefit. As such, continuation of criminal proceedings against them would amount to abuse of process of court.

6) Accordingly, both the Criminal Revision Cases are allowed and impugned orders are set aside and the criminal proceedings against them in C.C.No.223 of 2006 on the file of II Additional Judicial Magistrate of First Class, Eluru, West Godavari District are quashed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 15.11.2018  
Murthy

**U. DURGA PRASAD RAO, J**

