

HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No. 1500 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the second respondent-State.

The present criminal revision case is filed challenging the orders dated 24.04.2018 passed in CrI.M.P.No.395 of 2017 in S.C.No.150 of 2017 on the file of the Court of V Additional District and Sessions Judge, Ranga Reddy at L.B.Nagar, Hyderabad, dismissing the petition filed under Section 227 Cr.P.C. to discharge the petitioners for the offences with which they are charged.

The brief facts of the case are that on the complaint of one Sri K. Hanmanth Rao i.e. the first respondent, a crime was registered vide F.I.R. No. 128 of 2014 for the offences under Sections 302, 454, 420 and 411 IPC on the file of the Police Station, Kushaiguda. Pursuant to the registration of the crime, investigation has been completed and a charge sheet has been filed on 30.06.2014 against A-1 to A-4 which includes the petitioners. As far as the petitioners are concerned, they are charged for the offences under Sections 411 and 420 IPC. The Sessions Court has taken cognizance of the offences and numbered the case as S.C.No.150 of 2017. During the pendency of the said sessions case, the petitioners filed CrI.M.P.No.395 of 2017 under Section 227 Cr.P.C. to discharge them for the offences under Sections 411 and 420 IPC. After hearing, the said petition was dismissed by orders dated 24.04.2018. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioners would contend that the learned Sessions Judge, erred in dismissing the petition. The petitioners have been implicated in the offence only on the basis of the confessional statements of co-accused which are not admissible in evidence. The petitioners are carrying on the legitimate business of running a jewellery shop in the name and style of Suraj Bhan Jewelleries and they have no prior intimacy with A-1 and A-2. Therefore, it cannot be inferred that the petitioners have purchased the stolen property from A-1 and A-2. As a matter of fact, they have no knowledge about

the property which they have purchased, is a stolen property. In these circumstances, the offences for which they are charged are not maintainable.

Per contra, the learned Public Prosecutor appearing for the second respondent-State supported the impugned order and contended that the truth or otherwise of the allegations made against the petitioners, more particularly, whether they have the knowledge that they have purchased the stolen property or not, will be elicited only during the course of trial.

Having heard both the learned counsel and from the perusal of the material on record, particularly, the charge sheet, it is revealed that the petitioners purchased the property from A-1 and A-2. The items which are enumerated in the charge sheet would certainly cannot be sold at a throw away prices as mentioned in the charge sheet i.e. Rs.25,000/- and Rs.30,000/-. Be that as it may, since the prima facie case is made out with regard to receiving of property by the petitioners from A-1 and A-2 which is admittedly a stolen property, this Court will not go into the aspect of whether they have the knowledge or not. The said aspects have to be gone into during the course of trial, and therefore, this Court is of the opinion that there are no merits in the revision and it 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.

P. KESHAVA RAO, J

Date: 09.08.2018
Ccm

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