

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.78 of 2017

ORDER:

The present revision case is filed aggrieved by the orders passed in CFR.No.3265 of 2016, dated 03.11.2016, on the file of the Court of the Additional Junior Civil Judge at Chirala, Prakasam District.

The facts of the case are that the revision petitioner, who is the complainant, filed a private complaint vide CFR.No.3265 of 2016 against respondent Nos.2 and 3 herein stating that they approached the A.P. State Housing Corporation authorities at Chirala and made false representations as if they have personal experience in construction field and represented to get constructed the houses with better quality at economical price and get finished the agreed houses in the record time and handover the same to the beneficiaries in the areas of Akkayapalem, Vodarevu, M.M.R. Colony, Sidur Colony and Guravaiah Colony of Chirala assembly constituency and induced the said authorities with active connivance of the then M.L.A. In the process, they were successful in securing the funds to a tune of Rs.7 crores from the Government as well as Nimmagadda foundation, Hyderabad for the purpose of constructing the houses for the poor and down trodden with the agreement and obligation to get constructed the said

houses and hand over the same to the beneficiaries within the stipulated period. However, after receiving the said funds, except laying the basements in some of the areas, left the people to their fate with partly completed structures, respondent Nos.2 and 3 have deceived the Government as well as the said Nimmagadda Foundation. In fact, in most of the areas respondent Nos.2 and 3 did not even start the construction work till date, as such, with the fraudulent and premeditated intention to gain wrongfully they floated the 2nd respondent society, cheated and misappropriated the public funds.

The petitioner has also given a sworn statement in the form of an affidavit and examined PWs.2 and 3. A perusal of the said statements would reveal that PWs.2 and 3 were examined on 31.10.2016, but have not supported the version of the petitioner herein in any aspect leaving alone the basic allegation of respondent Nos.2 and 3 procuring huge amounts from the Government as well as the said Nimmagadda Foundation and in the process they have gained wrongfully by laying basement alone in some of the areas and in most of the areas did not even start construction. To support the said contention, the petitioner/complainant has not placed any material before the Court below that respondent Nos.2 and 3 have procured such huge amounts for the purpose of construction of houses. That apart, if really the said amount procured by respondent Nos.2 and 3 are misappropriated in a

fraudulent manner, the Government as well as the said Nimmagadda Foundation are the competent persons to take steps against them. However, the petitioner, who is said to be a beneficiary under the housing scheme for the poor and weaker sections and having established an organization called “Rastra Chainetha Samakhya” and serving the people belonging to weaker and down trodden section of the society, cannot espouse the cause of the Government that too in a private complaint.

Be that as it may, even on merits also, absolutely no *prima facie* case is made out against the petitioner. For the said reasons the Court below, relying on the principle laid down by the Apex Court in **M/s. Priyanka Srivastava and another vs. State of U.P. and others**, dated 19.03.2015, dismissed the said complaint by order, dated 03.11.2016, holding that except the bald and vague allegations, no *prima facie* case is made out by the petitioner to proceed further in the case. Aggrieved by the same, the present revision is filed.

A perusal of the contents of the complaint as well as the statement recorded by the Court below, this Court feels that no *prima facie* case is made out for commission of any offence much less the offence as alleged. The complaint is totally bereft of material particulars. Therefore, this Court feels that there is no irregularity or illegality in the order passed by the Court below in dismissing the complaint, as such, there are

no merits in the revision and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. No costs.

Miscellaneous petitions, if any, shall also stand dismissed.

JUSTICE P. KESHA RAO

Date: 05.01.2018.
ES

