

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.345 OF 2007

ORDER:

This revision is filed aggrieved by the Judgment dated 21.12.2006 in C.C.No.709 of 2005 on the file of the III Additional Chief Metropolitan Magistrate, Vijayawada.

Heard learned counsel for the petitioner/*de facto* complainant and learned Additional Public Prosecutor for the respondent-State. There is no representation on behalf of unofficial respondents. Perused the record.

Learned counsel for the petitioner would submit that the Court below rendered judgment acquitting the respondents/A.1 to A.3. There is ample evidence to prove the guilt of A.1 to A.3 for the offence punishable under Section 420 IPC read with Section 34 IPC and ultimately prayed to set aside the impugned judgment.

As seen from the material on record, the allegation that A1 to A3 have sold an agricultural land in favour of the petitioner/*de facto* complainant for a sale consideration of Rs.65,500/- under a registered sale deed, dated 12.03.2003. Before that, the said property was attached *vide* order dated 12.12.2002 in I.A.No.1332 of 2002. In the course of evidence, there is clear admission of P.W.1 (petitioner/*de facto* complainant) that the property which was sold to the accused is not under attachment. Further, P.W.1 admits his possession over the property purchased by him. It goes to show that there is no damage and there are no requisite ingredients of Section 420 IPC to punish the accused for the offence under Section 420 IPC. The Court below acted upon material evidence on record and did not omit any material

evidence. Further, the findings of the Court are not perverse. There is no miscarriage of justice to interfere with the impugned judgment. The criminal revision case is devoid of merit and it is liable to be dismissed.

In the result, the Criminal Revision Case is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

18th April, 2018.
ssp

