

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO: 467 OF 2021

Criminal Revision Case under Sections 397 & 401 of Cr.P.C against the Judgment made in CFR No.673 of 2021 dated. 01/09/2021 on the file of the Court of the I Additional Judicial Magistrate of First Class at Siddipet, Siddipet District, Telangana State.

Between:

Smt. Shabana Begum, W/o. Syed Khawaja Ameenuddin, Aged about 38 years, Occ. House hold, R/o. H.No.101-20, Charwdan Street, Siddipet Town and District, Telangana State.

...PETITIONER/COMPLAINANT

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad.
...RESPONDENT/RESPONDENT
2. Smt. Saleemunnisa Begum, W/o. Late Khwaja Maqbook Azeez, Aged about 50 years, Occ. House Wife, R/o. H.No.2324, Sajeedpura Street, Siddipet Town and District, Telangana State.
3. Gururi Ashok Kumar, S/o. Chandraiah, aged about 56 years, Occ. Doctor, R/o. H.No. 3-4-39, Patelpura, Siddipet Town and District, Telangana State.
4. Smt. Afsari Begum, W/o. Abdul Aleem, Aged about 58 years, Occ. House wife, R/o. H.No. 2-3-24/3/2A, Sajidpura, Siddipet Town and District, Telangana State.
5. Abdul Raheem, S/o. Late Abdul Sattar, Aged about 49 years, Occ. Business,- R/o. H.No.19-4-281/1/20, Jahanume, Nawabsabkunta, Charminar, Hyderabad.
6. Mudda Kola Kotaiah, S/o. Ramulu, Aged about 57 years, Occ. Real Estate Broker, R/o. H.No.7-38, Renuka Nagar, Lingampally Village of Siddipet Ruram Mandal, Siddipet District, Telangana State.

...RESPONDENTS/ACCUSED

IA NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Revision Case, the High Court may be pleased to direct the respondents 2 to 6 not to create, or change the nature of the land i.e., House property bearing House No.3-4-38 situated at Patelpura, Siddipet town, Mandal, Municipality and District, Telangana State in favour of third parties in any manner, pending disposal of Criminal Revision Case.

Counsel for the Petitioner: M/S. BANDI MADHAVI

Counsel for the Respondent No.1: PUBLIC PROSECUTOR (TG)

Counsel for the Respondent Nos.2 to 5: ----

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.467 of 2021

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/complainant, aggrieved by the order dated 01.09.2021 passed in CFR No.673 of 2021 by the I Additional Judicial Magistrate of First Class at Siddipet, wherein the Court below dismissed the complaint filed under Section 200 Cr.P.C. by the complainant holding that the dispute between the parties is civil in nature and no case of cheating has been made out.

2. Heard the learned counsel for the petitioner/complainant and the learned Assistant Public Prosecutor representing respondent No.1-State and perused the record.

3. Learned counsel for the petitioner/complainant would submit that there is sworn statement of complainant to establish the allegations of cheating, forgery, etc., against the respondent Nos.2 to 6/accused. Pendency of civil proceedings is not a bar to invoke criminal jurisdiction. The Court below erroneously dismissed the complaint and ultimately prayed to set aside the impugned order and allow the criminal revision case as prayed for.

4. A perusal of the record shows that sworn statement of the petitioner/complainant was recorded by the Court below. The Court below was pleased to examine the same along with the material on record and came to a conclusion that there is no

prima facie allegation of cheating or forgery or any offence is made out. The grievance of the petitioner/complainant is that the house bearing No.3-4-38 was sold without her consent. Learned counsel for the petitioner/complainant has conceded before this Court that the petitioner/complainant lost the suit in O.S.No.20 of 2008 on the file of VI Additional District Judge and she preferred A.S.No.458 of 2012 before the High Court.

5. Revisional jurisdiction is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the Court to scrutinize the orders, which, on the face of them, bear a token of careful consideration and appear to be in accordance with law. Revisional Jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the findings recorded are based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. Another well accepted norm is that the Revisional jurisdiction of the higher Court is very limited and cannot be exercised in a routine manner. Revisional Court has to confine itself to the legality and propriety of the findings of the subordinate Court and as to whether the subordinate Court acted within its jurisdiction. A Revisional Court has no jurisdiction to set aside the findings of facts recorded by the learned Judge and impose and substitute its own findings. Sections 397 to 401 Cr.P.C., confer only limited power on the Revisional Court to the extent of satisfying about the legality, propriety or regularity of the proceedings or orders of

the lower Court and not to act like appellate Court for other purposes including the recording of new findings of fact on fresh appraisal of evidence.

6. As seen from the material placed on record, the Court below, having considered the facts and circumstances of the case, rightly dismissed the complaint. There is nothing to take a different view. There are no grounds to interfere with the impugned order. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Revision Case is dismissed, confirming the order dated 01.09.2021 passed in CFR No.673 of 2021 by the I Additional Judicial Magistrate of First Class at Siddipet.

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

SD/-CH.VENKATESHWARULU
DEPUTY REGISTRAR

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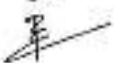


SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class at Siddipet, Medak District.
2. One CC to M/s. Bandi Madhavi, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies
5. One Spare Copy

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HIGH COURT

DATED: 21/09/2021

ORDER

CRL.RC.No.467 of 2021



DISMISSING THE CRL.R.C.

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