

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.2027 OF 2006

ORDER :

1. This Criminal Revision Case is filed by the petitioner against the judgment dated 31.07.2006 in C.C.No.764 of 2000 passed by the learned VI Metropolitan Magistrate, Cyberabad, Medchal.
2. Heard learned counsel for the respective parties and perused the record.
3. A perusal of the record would reveal that the petitioner herein filed a complaint stating that the respondent/accused Nos.1 to 5 trespassed into his land and without his consent, a bore well was dug. On the basis of the said complaint, Police investigated the case and filed charge sheet under Sections 447, 506 of IPC. During the trial, the prosecution has examined PW.1 to 4 and marked Ex.P1 to P5. During cross examination PW.1 deposed that respondent/accused Nos.1 to 5 encroached, planted stones but PW.2 deposed that accused tried to remove fencing and he was not present in the field at the time of alleged removal

of fencing and further admitted that the disputed bore well is at present in the usage of the respondent/accused Nos.1 to 5. The independent witness PW.3 also deposed before the court that he was not present when the fencing was removed.

4. Learned Magistrate acquitted the respondent/accused Nos.1 to 5 stating that no grounds are made out as none of the witnesses stated anything about trespass and removing fencing in the said land by the respondent/accused Nos.1 to 5.

5. The present Revision is filed questioning the said Judgment on the ground that though PW.3 was not the witness, he was present at the time of panchanama on 10.02.2000. Secondly, the offence was committed on 05.02.2000 and the complaint dated 10.02.2000 is in respect of the said offence only. Further, the police having investigated the case filed the charge sheet.

6. Since none of the witnesses i.e., PWs.1 to 3 stated about removing fencing of the said land and there are civil disputes in between the parties, the finding of the learned Magistrate cannot be interfered with. Hence, I do not find any infirmity in the order

dated 31.07.2006 in C.C.No.764 of 2000 passed by the learned VI Metropolitan Magistrate, Cyberabad, Medchal.

7. Accordingly, the Criminal Revision Case is dismissed.

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

28.12.2022
Gms

K.SURENDER, J

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Date: 28.12.2022

Gms