

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL REVISION CASE NO: 1512 OF 2007

Criminal Revision Case under Section 397 & 401 CRL.P.C
against the Judgment in 790/2003 on the file of the Court of the XIV Addl. Chief
Metropolitan Magistrate, Preferred the Order, dt. 09-08-2007.

Between:

1. V. Seeta Rama Raju, @ Seeta Ram, S/o V. Satayanarayana Raju, age 37 years, R/o Flat No. 101, Maruthi Plaza, KPHB Colony, Ranga Reddy District.
2. Ammireddy Siddha Reddy @ Reddy., S/o Siddha Reddy, aged about 46 years, R/o 266, LIG Bharatnagar Colony, Hyderabad, Ranga Reddy District.

...PETITIONERS/A1 & A2

AND

1. The Station House Officer, Panjagutta P.S.
2. The State of Andhra Pradesh, through Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENT/COMPLAINANT

This Petition coming on for hearing, upon the Memorandum of Grounds of Criminal Revision Case and upon hearing the arguments of M/s. P PADMAVATHI, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Respondent No.1 & 2

The Court made the following: ORDER

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No.1512 of 2007

JUDGMENT:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure by the petitioners, A1 and A2, in C.C.No.790 of 2003 on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad, whereby and whereunder, the trial Court vide its judgment dated 09.08.2007, acquitted the 1st petitioner - A1 for the offence under Sections 3 and 4 of the Andhra Pradesh Gaming Act (for short, 'the Act') and the 2nd petitioner - A2 for the offence under Section 4 of the Act and did not pass any order in so far as MOs.1 to 6 i.e., cash and cell phones are concerned, in view of pendency of split-up case in C.C.No.343 of 2006 against accused Nos.3 and 4. The present revision case is filed for return of MOs.1 to 6 i.e. cash and cell phones etc.

2. For the sake of convenience, the revision petitioners are arrayed as A1 and A2, as arrayed before the trial Court.

3. On 28.0.2003 at 1930 hours, the Inspector of Police, West Zone, Taskforce, Hyderabad, found A1 accepting and betting over cell phones from known punters for the cricket match that

was being held for the year 2003 with the assistance of bookies i.e., A2 and two others at Flat No.203, Sai Ram Estate, Nagarjunagar, Ameerpet, who were watching TV and receiving phone calls and seized cash of Rs.53,000/-, one cell phone, c-seva calendar consisting time table of World Cup - 2003 from the possession of A1 and two cell phones and cash of Rs.32,000/- from the possession of A2 in respect of Cricket Matches between India Vs. Zimbabwe, India Vs.England, India Vs. Australia and Pakistan Vs. Australia and caught hold them and handed over to the police, whereupon a crime was registered for the offences under Sections 3 and 4 of the Act against A1 and under Section 4 of the Act against A2 and later charge sheet was filed against A1 to A4 for the aforementioned offences. Since A3 and A4 were not apprehended by the police for a long time, case against them was split up vide C.C.No.343 of 2006 and proceeded with trial.

4. The trial Court, after evaluating the evidence adduced by the prosecution i.e., P.W.1 and Exs.P1 and P2, found the A1 and A2 not guilty of the said offences and acquitted them of the charges.

5. It is pertinent to mention that this revision case is filed by the petitioners/A1 and A2 for return of the case property i.e. MOs.1 to 6 seized from them. MO.1 is cash of Rs.1,07,000/- [vide FDR No.ST/4-508419, SBH, Hyderabad] and MOs.2 to 4 are cell phones and one e-seva Calender time table of World Cup - 2003 respectively, which were seized from them.

6. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for the State. Perused the material available on record.

7. The learned counsel for the revision petitioners would submit that the trial Court ought to have seen that MOs.1 to 6 were seized from the possession of the petitioners, but no other person is claiming to be owner of MO.1 i.e. cash of Rs.1,07,000/-. Learned counsel further contended that the amount seized from the petitioners/A1 and A2 pertains to the Chit Fund Company, which is run by A1. However, the trial Court held that no material is placed before the Court that A1 is running the Chit Fund Company and further held that since split up case is pending, no order as to return of MOs.1 to 6 could be passed.

8. A perusal of the judgment, while recording the order of acquittal, the learned trial Judge gave cogent reasons for non-passing of return of MOs.1 to 6, since no material was placed by A1 before the Court below that MO.1 - cash is pertaining to his Chit Fund business. Hence, absolutely no ground is made out by the learned counsel for the petitioners to interfere with the well reasoned order passed by the learned trial Court.

9. The Criminal Revision Case is devoid of merits and the same is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Chief Metropolitan Magistrate, Hyderabad.
2. One CC to SRI. P PADMAVATHI, Advocate. [OPUC]
3. Two CC's to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
4. Two CD Copies
5. One Spare Copy

SB



HIGH COURT

DATED:09/03/2022



ORDER

CRLRC.No.1512 of 2007

DISMISSING THE CRL.RC

⑦ VLV
15/6/22