

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.99 OF 2020

JUDGMENT:

This revision is filed by the petitioner/complainant challenging the Judgment of the Principal Sessions Judge at Khammam, dt.29.08.2019, passed in Criminal Appeal No.10/2018, confirming the acquittal recorded by the I Additional Judicial Magistrate of First Class at Khammam, dated 03.08.2017 in C.C.No.983 of 2010.

2. Heard learned counsel for the petitioner/complainant and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The petitioner herein is the defacto complainant in the trial Court and filed a complaint for prosecuting the respondents 2 to 4 herein/A1 to A3 and another for the offences under Sections 448, 427 and 506 of the Indian Penal Code.

4. The case is that a person who is not arrayed as accused came along with these three respondents 2 to 4 and demolished the house of PW1. The trial Court however found that the witnesses were planted and accordingly, acquitted the accused. The reason given by the trial Court is that though the principal

offender named in the FIR, during the course of investigation, was not made as accused, but, accused Nos.1 to 3 who are alleged followers of the principal offender were being prosecuted. Further, the eye-witnesses to the incident who were independent witnesses have named the accused and the witnesses when PW4 is a total stranger to PWs.1 to 3 and A1 to A3. As far as PW2 is concerned, he was a Police Officer who narrated the incident, however, keeping in view the over all narration of witnesses, the Court found that the case cannot be believed and for the said reason acquitted the respondents 2 to 4.

5. On the appeal filed by the complainant, the learned Sessions Judge found that there are no reasons to interfere with the findings of the trial Court and confirmed the order of acquittal.

6. There are concurrent findings of the acquittal on facts. This Court in revisional jurisdiction cannot re-assess or look into the evidence to come to a different view. Further, under Section 401(3) of Cr.P.C., this Court is prohibited from reversing the acquittal into one of conviction.

7. I do not find any grounds to remand the case back to the trial Court for the purpose of trial.

8. Accordingly, the Criminal Revision Case fails and dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Date: 01.03.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt. 01.03.2023

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