

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated.28.01.2014 in CrI.M.P.No. 206 of 2014in CrI.R.C No.111 of 2014.

[3299]

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

**MONDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 111 OF 2014

Criminal Revision filed under Sections 397 & 401 of CrPC against the judgment dated 29.02.2012 in C.C.No.37 2003 on the file of the Court of the Judicial Magistrate of First Class at Ramannapet, Nalgonda District confirming the judgment dated 24.01.2014 passed in CrI.A.No.107 of 2012 on the file of the Court of the V Additional Sessions Judge, Bhongir, Nalgonda District.

Between:

Appam Laxmi Narasaiah, S/o. Papaiah aged about 37 years, Occ Business R/o. Sripuram Village, Ramannapet Mandal, Nalgonda District

**...PETITIONER/ACCUSED/
APPELLANT**

AND

1. Vanam Ayyappa, S/o. Late Sathaiah, Aged 55 years, Occ Weaver R/o. Bogara Village, Ramannapet Mandal Nalgonda Mandal
2. The State of Andhra Pradesh,, Rep. by Public Prosecutor. Highh Court of AP Hyderabad.

**...RESPONDENTS/COMPLAINANT/
RESPONDENTS**

**Counsel for the Petitioner: SRI SATYAM REDDY REP. FOR
Ms. K. V. RAJASREE**

**Counsel for the Respondent No.2: SRI KHAJA VIZARATH ALI.
ASSISTANT PUBLIC PROSECUTOR**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**CRIMINAL REVISION CASE No.111 OF 2014****ORDER:**

The present Criminal Revision Case is filed aggrieved by the judgment dated 24.01.2014 in Criminal Appeal No.107 of 2012 on the file of the learned V Additional Sessions Judge, Bhongir (for short, "the appellate Court") confirming the judgment dated 29.02.2012 in C.C.No.37 of 2003 on the file of the learned Judicial Magistrate of First Class, at Ramannapet (for short, "the trial Court").

2. Heard Mr. Satyam Reddy, learned counsel representing Ms. K.V. Raja Sree, learned counsel for the petitioner and Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for respondent No.2 State. Perused the record.

3. The brief facts of the case are that on 30.10.2002, respondent No.1/complainant lodged a private complaint stating that the petitioner/accused, who was running handloom cloth business, approached the complainant and other villagers who are all handloom weavers on 24.12.2001. He introduced himself as a partner of Sri Guru Raghavendra Auto Finance, which is having headquarters at Nalgonda and represented himself to

them that he was running a scheme under the name and style of Hero Honda Motor Cycle Scheme, whereunder the subscribers are required to pay Rs.1,000/- per month for 40 months and there would be drawal of lots. If the subscriber gets a Hero Honda Motor Cycle, he need not pay further installments and the subscribers, who do not get the Hero Honda Motor Cycle in the drawal of lots, would be entitled to receive Rs.40,000/- at the end of the term of the scheme.

4. The petitioner made the complainant and other villagers to believe his version and got them joined as subscribers and made them to pay Rs.1,000/- per month. Accordingly, the complainant paid Rs.7,000/- in the name of his daughter G. Sathyawathi, Jogu Srisailam paid Rs.24,000/- on his name and on the names of his wife and sons, Jella Narsimha paid Rs.9,000/-, Jella Laxmaiah paid Rs.5,000/-, Gogu Kistaiah paid Rs.10,000/- on his daughter's name. Thus, the complainant and other subscribers of the scheme paid Rs.74,000/- in total.

5. On 28.06.2002, the complainant and the other subscribers, came to know that the accused was not the partner of Sri Guru Raghavendra Auto Finance and that he was not running any scheme for Hero Honda Motor Cycle. He cheated them to a tune

of Rs.74,000/- by deceiving them. The complainant and other subscribers therefore, approached the Police Station, Ramannapet, on 28.06.2002 and the Police summoned the accused. Thereupon, the accused, executed a promissory note dated 28.06.2002 for an amount of Rs.75,388/- in favour of the complainant. But the Police have not taken any action against him, as he was an influential person. Therefore, complainant filed the private complaint before the trial Court.

6. On appearance of the accused, the learned Judge of the trial Court furnished the copies of documents to the accused and framed the charge against him for the offence under Section 420 of I.P.C., read over and explained to him. The accused having understood the same pleaded not guilty and claimed to be tried. The trial Court vide judgment dated 29.02.2012 in C.C.No.37 of 2003 convicted the petitioner for the offence under Section 420 of I.P.C. and sentenced him to undergo rigorous imprisonment for a period of six months and to pay fine of Rs.5,000/-. Aggrieved thereby, the petitioner preferred an appeal.

7. The appellate Court vide impugned judgment, dismissed the appeal confirming the judgment passed by the trial Court. Assailing the same, the petitioner preferred the present Revision.

8. Learned counsel for the petitioner submitted that the trial Court as well as the appellate Court failed to appreciate the evidence available on record in proper perspective and passed their respective judgments. Therefore, he seeks to set aside the impugned judgment.

9. Learned Assistant Public Prosecutor contended that the trial Court as well as the appellate Court upon careful scrutiny of the evidence available on record in proper perspective passed their respective judgments and interference of this Court is unwarranted. Therefore, he seeks to dismiss the Revision.

10. On behalf of the prosecution, the trial Court examined PWs.1 to 5 and marked Exs.P1 to P13. On behalf of the defence, none were examined and Ex D1 was marked. A perusal of the evidence of PWs.1 to 5 shows that all of them deposed stating that the accused induced PWs.1 to 4, Jella Narsimha and Jella Laxmaiah to join in the scheme and collected money from them in the name of Guru Raghavendra Auto Finance, Nalgonda. PW3, in his cross-examination stated that he joined the scheme in the year 2001.

11. Admittedly PW1 filed O.S.NO.40 of 2003 on the file of the learned Junior Civil Judge, Ramannapet for recovery of

Rs.75,388/- and the said suit was dismissed vide judgment dated 23.09.2005. Therefore, he preferred an appeal vide A.S.No.13 of 2005 on the file of the learned Senior Civil Judge, Bhongir and the same is decreed in favour of PW1, for recovery of Rs.75,388/-.

12. PW1, in his cross-examination clearly stated that the signatures of the accused are available at serial Nos.3, 8 and 9 of Ex P4-Pass book which was sufficient to show that the accused collected amount for the scheme and his evidence remained uncontroverted. Therefore, from the evidence of PWs.1 to 5 coupled with the documentary evidence under Exs.P1 to P13, the trial Court as well as the appellate Court opined that the accused induced PWs.1 to 4, Jella Narsaiah and Jella Laxmaiah and collected Rs.74,000/- fraudulently and dishonestly, by joining them in the scheme. Later, the accused, failed to repay the amounts to them and cheated them. Hence, both the Courts found the accused guilty of the offence under Section 420 of I.P.C.

13. A perusal of the record shows that this Revision pertains to the year, 2014 and ten long years have lapsed from the date of filing of this Revision. This Court vide order dated 28.01.2014 suspended the operation of sentence imposed against the

petitioner, by the appellate Court and released him on bail on executing a personal bond for a sum of Rs.10,000/- with two sureties for the like sum each to the satisfaction of the learned Judicial First Class Magistrate, Ramannapet.

14. In the case on hand, the trial Court as well as appellate Court concurrently held that the petitioner was guilty for the offence under Section 420 of I.P.C., which finding, in my considered view, does not call for interference, in exercise of revisional jurisdiction under Section 397 Cr.P.C. Hence, I find no reason to interfere with the well considered judgments passed by the trial Court and the appellate Court.

15. Having regard to the submissions made by both the learned counsel and upon considering the fact that the petitioner underwent mental agony by roaming around the trial Court as well as the appellate Court, this Court deems it appropriate to reduce the sentence imposed against the petitioner to the period of imprisonment already undergone by them.

16. The petitioner is directed to deposit an amount of Rs.1,00,000/- to the credit of the C.C.No.37 of 2003 on the file of the learned Judicial Magistrate of First Class, at Ramannapet within a period of two months from today. On such deposit,

respondent No.1 and other victims i.e., Jogu Srisailam, Gurram Satyanarayana, Gogu Kistaiah, Kandari Mallesham, Jella Narsaiah and Jella Laxmaiah each are entitled to withdraw the said amount equally upon filing an appropriate application before the trial Court.

17. If the petitioner fails to comply with the aforesaid direction, the judgment dated 24.01.2014 in Criminal Appeal No.107 of 2012 on the file of the learned V Additional Sessions Judge, Bhongir stands good in all respects.

18. Except the above modification, in all other aspects, the Criminal Revision Case stands dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Ramannapet, Nalgonda District.(with records)
2. The V Additional Sessions Judge, Bhongir, Nalgonda District.(with records)
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
4. One CC to Sri K. V. Rajasree, Advocate [OPUC]
5. Two CD Copies

P/p/gh



HIGH COURT

DATED:15/04/2024

ORDER

CRLRC.No.111 of 2014



**DISMISSING THE CRIMINAL
REVISION CASE**

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D.B.