

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.9381 of 2010

ORDER:

The petitioner approaches this Court with a prayer to modify the order passed in CrI.M.P.No.664 of 2010 in Cr.No.62 of 2010 on the file of the Judicial Magistrate of First Class, Mulugu, whereby the learned Magistrate allowed the petition with certain conditions.

Heard.

Petitioner herein is the *de facto* complainant. The above crime was registered for the offence under Sections 380, 307, 427 and 447 of IPC read with 34 of IPC. The main grievance of the petitioner herein is that the learned Magistrate returned the electric motor and further imposed a condition that he should not install the same in disputed well, which is subject matter of a civil dispute.

Learned counsel for the petitioner submitted that after returning motor if such a condition is imposed, there is of no use and further informed that the petitioner has already obtained injunction from the competent civil Court.

Hence, this Court is of the view that the condition imposed “and on further condition that the present electrical motor shall not again be used to draw the water from the disputed bore well, until and unless the rights over disputed bore well are decided before competent authority” is liable to be set aside and the same is hereby set aside. If the injunction is in favour of the petitioner herein, he is at liberty to install the electric motor in the said well for the purpose of irrigation.

With the above observation, the Criminal Petition is disposed of. Miscellaneous petitions filed along with the criminal petition, if any, shall stand closed.

RAJA ELANGO, J.

28th February 2011,
Rns