

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1308 of 2005

JUDGMENT:

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This Criminal Appeal is preferred by the appellant/*de facto* complainant against the Judgment dated 30.06.2005 passed in C.C.No.186 of 1994 by the Judicial Magistrate of First Class, at Gajwel, whereby the learned Judge acquitted the accused for the offence under Sections 82(a)(c) and (d) of the Registration Act.

The case of the prosecution, as recorded by the trial Court, is as follows:

The complainant filed a suit stating that in O.S.No.149 of 1992 on the file of this Court against A.1 and A.2 for perpetual injunction in respect of lands admeasuring Acs.1.25 guntas in Sy.No.212, Acs.0.25 guntas in Sy.No.218, Acs.0.36 guntas in Sy.No.221 and Acs.0.11 guntas in Sy.No.221/1, all situated at Konaipally Village. The A.1 and A.2 filed their written statement in the above said suit stating that the complainant herein along with his brother have alienated the above said lands in their favour in the year 1993 and they filed original sale deed.

The complainant never executed sale deed in favour of A.1, nor sold the lands to A.1. The accused falsely created the sale deed and basing on the said sale deed, A.1 and A.2 are claiming ownership of the above said lands. The complainant has studied upto S.S.C., and he is able to read and write. The said sale deed is created as if the complainant has put thumb impression with an intention to grab the above said lands.

A.1 is the son of A.2. A.2 abetted A.1 in committing the above said offence. A.3 and A.4 stood as identifying witnesses and falsely represented as if the complainant was present before the Registering Authority while registering the said sale deed. The A.3 and A.4 abetted A.1 and A.2 in committing the alleged offences and therefore, the accused are liable for punishment for the above said offences.

This Court perused the records and heard the arguments.

Admittedly, the thumb impression of the complainant is not that of the complainant, but at the same time, the entire record does not disclose the fact that the said thumb impression was made by the accused persons concerned. It is always necessary in criminal law that the prosecution should prove beyond reasonable doubt that the act of the accused is connected to the crime. Further, even though the prosecution is able to prove the crime, it failed to prove that the accused are responsible for the said crime.

Normally, in appeal against the Judgment of acquittal, unless and otherwise the entire evidence clinchingly prove the guilt of the accused, this Court will not interfere with the Judgment of the trial Court. In the present case, considering the findings recorded by the trial Court and the evidence adduced on record, this Court is of the view that the trial Court has rightly acquitted the accused for the offences under Sections 82(a), (c) and (d) of the Registration Act. The Judgment of the trial Court is in accordance with law and it does not suffer from any perverse findings and the acquittal recorded by the trial Court needs no interference by this Court.

The Criminal Appeal is accordingly dismissed. Miscellaneous applications, if any pending in this appeal, shall stand dismissed.

JUSTICE RAJA ELANGO

02.11.2015
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