

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1692 of 2015

ORDER:

The petitioner, who is accused No.10, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.3 of 2015 of Pullala Cheruvu Police Station, Prakasham District, registered for the offences punishable under Sections 420, 468 and 471 read with 34 IPC.

The case of the prosecution is that prior to 30.01.2015, the M.R.O. Pullalacheruvu lodged a report stating that the accused are alleged to have collected Rs.3,500/- from Shaik Gaffar and Rs.32,000/- from Badipati Peddodu, on the pretext of arranging them pattadar pass books and title deeds. Later, the accused are alleged to have forged the signatures of the then M.R.O. as well as V.R.O. and gave them to Shaik Gafoor . Insofar as Badepati Peddodu is concerned, were postponing the issuance of pattedar pass books to Badipati Peddodu on one pretext or the other. On verification of the records of Mandal Office, Shaik Gafoor found that his name was not entered in the IB record of Mandal office and the khata number 108 issued to him contain the name of Kotagiri Mallaiah. Realising that the accused have cheated them a report came to be lodged.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the allegations made in the First Information Report and in the

remand report do not anywhere connect the petitioner with the crime. He further submits that except the confession of co-accused, there is no material to connect the petitioner with the crime.

Learned Public Prosecutor opposed the application contending that the case is still at the stage of investigation and at this stage it cannot be said that the petitioner is innocent of the offence. He placed on record the confession of accused No.2.

A perusal of the confession of accused No.2 which is recorded in the presence of mediators would show that this petitioner is alleged to have purchased fake and empty pattedar pass books along with rubber stamps for the purpose of using the same. Though the learned counsel for the petitioner tried to contend that the confession of co-accused is inadmissible in evidence, but the Apex Court in ***State through C.B.I. V. Amarmani Tripathy***^[1], held as under:

“The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

It is to be noted that the manner in which the said pattedar pass books are used by the petitioner herein and the number of transactions which took place pursuant to the said pattedar pass books can only be traced if the petitioner is interrogated. Therefore, having regard to the nature of the offence and circumstances of the case, the request of the petitioner is

rejected.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

12.03.2015
gkv

[\[1\]](#) AIR 2005 SC 3490