

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2117 OF 2016

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ORDER:
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1. This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceeding against her in C.C.No.1624 of 2014 on the file of the Additional Judicial First Class Magistrate, Vizianagaram.

2. It is alleged that the 2nd respondent purchased vacant site in T.S.No.128/27 part in V.T. Agraharam, from the petitioner under a registered sale deed. The petitioner concealed the fact that previously, the Tahsildar Vizianagaram informed to Sub-Registrar office that nobody could make transactions pertaining to the site in question and that the petitioner created false documents by forging the signatures of the RDO and registered the above site in favour of the son of the 2nd respondent and caused loss to a tune of Rs.21,60,000/- including registration charges and other expenses. On the complaint lodged by the 2nd respondent, a case in Crime No.87 of 2013 was registered and after completion of the investigation, the police filed the charge sheet against the petitioner for the offence under Sections 420 and 471 IPC and the same was numbered as C.C.No.1624 of 2014. While so, the Tahsildar, Vizianagaram filed a complaint against the petitioner and another before Vizianagaram I Town Police Station alleging that forged proceedings dated 13.8.2012 were purported to have been signed by the R.D.O, Vizianagaram regarding issue of Zyroti certificate allowing registration of land covered by Sy.No.128/27 of VT Agraharam village, Vizianagaram Mandal. On the said complaint, a case in Crime No.41 of 2013 was registered against the petitioner and another. After completion of the investigation, the police filed charge sheet against the petitioner and another for the offence punishable under Sections 420, 468 and 471 r/w 34 IPC, and the same was

numbered as C.C.No.54 of 2015.

3. Learned Counsel for the petitioner submitted that both the crimes arise out of the same set of facts and the same transaction and both the above C.Cs are pending on the file of the Additional Judicial First Class Magistrate, Vizianagaram. He further submitted that the set of facts and the documents filed in the above C.Cs are one and the same and that cannot be tried and punished twice for the same offence on the same set of facts and on the same cause of action.

4. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Criminal Petition is disposed of with the following directions:

- i) The petitioner is directed to file an application before the trial Court where both the C.Cs are pending, informing the nature of the offence and the list of witnesses to be examined in both the cases and seeking to club both the C.Cs and dispose of the same on the same day.
- ii) On such application being filed, the trial Court is directed to club both the cases, conduct the trial and pass the judgment in both the C.Cs on one and the same day.
- iii) It is made clear that if the offences under Sections 468 and 471 IPC arise out of the same set of facts and documents and if the petitioner is found guilty, the conviction be rendered in one C.C. Insofar as the offence under Section 420 is concerned, it arises out of using of the forged document as genuine to transfer the property in favour of the son of the de facto complainant, if the petitioner is found guilty, separate conviction can be given.

Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 19.2.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 19.2.2016

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