

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.898 of 2011

JUDGMENT:

Petitioners/A-1 to A-3, A-5 to A-7 filed this criminal revision case by invoking the provisions under Sections 397 & 401 of the Criminal Procedure Code, being aggrieved by the judgment, 08.04.2011, rendered in Criminal Appeal No.159 of 2010 by the I Additional Sessions Judge, at Nalgonda, whereby and whereunder, the learned Sessions Judge while confirming the conviction and sentences recorded against A-1, A-3, A-5 and A-6 and the conviction recorded against A-2 and A-7 in C.C.No.648 of 2007 by the Additional Judicial Magistrate of First Class, Bhongir, by judgment, dated 27.10.2010, for the offences punishable under Sections 120-B, 201, 471 and 468 IPC, modified the sentences of undergoing imprisonment for six (06) months for the offence under Section 120-B IPC; one (01) year for the offence under Section 201 IPC; one (01) year for the offence under Section 471 IPC and one (01) year for the offence under Section 468 IPC by limiting till rising of the Court, however, the sentence of fine of Rs.1,000/- each for the offence under Section 468 IPC, in default to suffer Simple Imprisonment for one (1) month, was confirmed.

2. The brief facts, that are necessary for the disposal of the present Criminal Revision Case, may be stated as follows:

The *de facto* complainant and his mother are the pattedars and possessors of the agricultural land to an extent of Ac. 4.00 guntas in Survey No.117, situated at Neemargomula village, which was acquired from their ancestor Sunkari Peddi Reddy and recently, one Mettu Srinivas Reddy was trying to lay fencing

around their agricultural land and on seeing that, he stopped him from doing so and inquired about his title and came to know that he got created a false document, i.e., registered sale deed bearing document No.5325 of 2001, dated 31.12.2001, to grab their valuable property and on coming to know that the *de facto* complainant obtained certified copy of the document and came to know that the above said sale deed was executed by one Karre Venkatesh and Karre Yadamma through their GPA Holder namely G. Surender Reddy and apart from their names, the names of the *de facto* complainant and his mother were shown as vendors, but they never executed any such sale deed in favour of any one including the claimants of the said document and the said document was attested by one K. Narsimha and D. Sudarshan and all of them in collusion with the husband of Mettu Indira conspired together and created the said document and further came to know that the said Srinivas Reddy forged the signatures of Mahender Reddy and Mettu Indira affixed her thumb impression in place of S. Anjamma thumb and said Indira and Srinivas Reddy forged the signatures of U.S. and further they misrepresented the facts before the Mandal Revenue office and got issued ROR, passbook and title deed in favour of Mettu Indira and thus, they impersonated and created the document to gain wrongfully and misrepresented the facts before the officials and cheated them and thereby requested to take legal action as per law.

3. Basing on the report, a case in Crime No.99 of 2006 under Sections 468 and 120-B IPC was registered against the accused and issued FIR and the investigation was taken up by the

police and on completion of investigation, charge sheet was filed against the accused under Sections 468, 471, 120-B and 201 IPC.

4. The Judicial Magistrate of First Class took the case on file for the offences under Sections 468, 471, 120-B and 201 IPC.

5. After appearance of the accused, the Additional Judicial Magistrate of First Class, Bhongir, framed charges for the offences punishable under Sections 468, 471, 120-B and 201 IPC against the accused, read over and explained to them, for which, they pleaded not guilty and claimed for trial.

6. To substantiate its case, prosecution got examined PWs.1 to 7 and marked Exs.P-1 and P-30.

7. After closure of the prosecution evidence, the accused were examined under Section 313 Cr.P.C. for the incriminating evidence against them and they denied the same and the accused did not adduce any oral evidence, but marked Exs.D-1 and D-2.

8. After appreciating the oral and documentary evidence available on record, the trial Court found A-1 to A-3 and A-5 to A-7 (case against A-4 is abated since reported to be died) found guilty for the offences under Sections 468, 471, 120-B and 201 IPC and accordingly, convicted and sentenced them as stated above. Aggrieved by the said judgment, A-1 to A-3 and A-5 to A-7 filed CrI.A.No.159 of 2010, wherein the I Additional Sessions Judge, at Nalgonda, disposed of the said criminal appeal as stated above.

9. Heard and perused the entire material available on record.

10. On perusing the judgments of both the Courts below, this Court is of the view that since the findings of both the Courts

below are concurrent in nature, this Court is not inclined to interfere with the factual aspects of the case.

11. When this Court pointed out that there are no merits in the revision, learned counsel for the petitioners/A-1 to A-3 & A-5 to A-7 restricted his arguments to the quantum of sentence and prayed that leniency may be shown while imposing sentence.

12. Considering the facts and circumstances of the case and also the time elapsed, the sentence of imprisonment imposed against the petitioners/A-1 to A-3 & A-5 to A-7 by the trial Court, as confirmed by the lower appellate Court, can be set aside.

13. After hearing the arguments of the learned counsel for both sides and after perusing the material available on record, this Court is of the view that there are no reasons to set aside the conviction against the petitioners/A-1 to A-3 & A-5 to A-7 for the offences under Sections 468, 471, 120-B and 201 IPC. When this Court expressed its opinion that this Court is not inclined to interfere with the concurrent findings of the Courts below, learned counsel for the petitioners submitted that he will confine his arguments only to the extent of the period of imprisonment imposed against A-2 and A-7. Learned counsel for the petitioners further submitted that that the case is regarding some civil disputes pending regarding some properties and the case is also pertaining to the year 2011 and that the petitioners/A-1 to A-3 & A-5 to A-7 have already suffered substantial period, a lenient view may be taken while imposing sentence against the petitioners.

14. Considering the facts and circumstances of the case and also in view of the submissions of the learned counsel for the petitioners, the sentences of imprisonment imposed against A-1,

A-3, A-5 and A-6 for the offences under Sections 120-B, 201, 471 and 468 IPC are concerned, this Court is inclined to reduce the same to that of the period, which A-1, A-3, A-5 and A-6 have already undergone. Insofar as the sentences of imprisonment imposed against A-2 and A-7 for the offences under Sections 120-B, 201, 471 and 468 IPC are concerned, the lower appellate Court has already set off the sentences by limiting the same till rising of the Court.

15. In the result, the conviction recorded against the petitioners/A-1, A-3, A-5 and A-6 by the Additional Judicial Magistrate of First Class, Bhongir, in C.C.No.648 of 2007, vide Judgment, dated 27.10.2010, for the offences under Sections 120-B, 201, 471 and 468 IPC and confirmed by the I Additional Sessions Judge, at Nalgonda, in Crl.A.No.159 of 2010, vide judgment, dated 08.04.2011, is hereby confirmed. However, the sentences of imprisonment imposed by the trial Court against A-1, A-3, A-5 and A-6 for the offences under Sections 120-B, 201, 471 and 468 IPC and confirmed by the lower appellate Court, is modified to the period which they already undergone. Insofar as A-2 and A-7 are concerned, the lower appellate Court has already set off the sentences by limiting the same till rising of the Court. However, the sentences of fine imposed by the trial Court against the petitioners/A-1 to A-3, A-5 to A-7 shall not be interfered with.

16. The Criminal Revision Case is, accordingly, allowed in part. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 13th October, 2016
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