

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2528 of 2016

ORDER:

This Criminal Revision Case is filed by the petitioner by invoking the provisions under Sections 397 & 401 Cr.P.C., challenging order, dated 31.01.2014, passed in CrI.R.P. No.6 of 2013, by the Principal Sessions Judge, Khammam, whereby the learned Sessions Judge allowed the revision petition by setting aside order, dated 30.11.2012, passed in CrI.M.P. No.548 of 2013 in CC No.95 of 2006 by the Judicial Magistrate of First Class, Sattupally.

The brief facts of the case are that the petitioner lodged a complaint against the respondents – accused Nos.1 to 4 before Kallur Police Station stating that A3 and A4 manipulated A1 and A2 and they tampered the record, inserted new pages in pahanies as well as entered the name of A2 in pahanies in place of the petitioner. Basing on the said report, a case in Crime No.77 of 2004 was registered for the offences under Sections 466, 467, 468, 471, 209, 109, 120(b) and 379 IPC against the respondents and subsequently, charge sheet was filed by the police and the case was numbered as CC No.95 of 2006. During the course of trial of the case, the documents that were seized by the police were mis- placed in the Police Station. Subsequently, some records were traced out by the Sub-Inspector of Police and therefore, the prosecution filed CrI.M.P. No.1191 of 2010 before the trial Court to receive those documents. The trial Court allowed the said application. The respondents – accused filed revision petition against the said order before the District & Sessions Judge, Khammam, but the said revision petition was dismissed by the District & Sessions Judge. The prosecution examined PWs.1 to 11 and closed the prosecution side evidence. At this

stage, the prosecution again filed CrI.M.P. No.548 of 2012 before the trial Court to receive some more documents, which were traced out by the prosecution. The respondents opposed the same. The trial Court allowed the said application vide order, dated 30.11.2012. Challenging the same, the respondents – accused 1 to 4 filed CrI.R.P. No.6 of 2013 before the Principal Sessions Judge, Khammam. The learned Principal Sessions Judge allowed the said revision petition by setting aside the order passed by the trial Court, vide order impugned. Against the same, the present revision is filed by the petitioner –complainant.

Heard and perused the material available on record.

While allowing the revision petition, the learned Principal Sessions Judge observed that in the earlier round of litigation, when the prosecution filed CrI.M.P. No.1191 of 2010 for marking of documents, traced out by the investigation agency, there is no reference with regard to the present documents and it was not stated by the prosecution that the present documents are also misplaced, which were collected during the course of investigation. The observation made by the learned Principal Sessions Judge is in accordance with law and the learned Principal Sessions Judge is right in allowing the revision petition. Hence, this Court is not inclined to interfere with the order under revision and the revision is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous applications, pending if any, shall stand closed.

RAJA ELANGO, J

August 29, 2016.
KTL