

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.440 of 2008

JUDGMENT:

1. This revision case is filed by the petitioner against the Judgment dated 14.3.2008 passed by the IV Additional Sessions Judge, Ranga Reddy District, L.B. Nagar, in Crl.A.No.1 of 2006.

2. The case of the prosecution is as follows:

On 29.1.2002 at about 1 p.m., P.W.1-Branch Manager of LIC, Himayathnagar lodged a complaint stating that one agent viz., V. Yadaiah-petitioner forged the signature of one Nimmala Rama Krishnaiah Policy Holder of Policy No.640042322 and obtained loan of Rs.23,024.50 ps., which was sanctioned by their office vide cheque No.13640, on policy on 20.5.1996. The petitioner again applied for loan of Rs.953.50 ps., on 9.4.1999, which was also sanctioned on 10.4.1999 vide cheque No.153037. Both the cheques were collected by the accused on behalf of policy holder. When intimation was sent to policy holder for maturity, he came to their office and informed that he did not apply for the above loans and did not encash the above cheques. On verification with their bankers, Central Bank of India, Himayathnagar Branch, they informed that the cheques were encashed through Bank of Baroda and that the account was opened in the name of N. Ramakrishnaiah by the accused by affixing his photograph on the application for opening an account with the bank, through which, the cheques were encashed. Basing on the said report, a case was registered against the petitioner. After completion of the investigation, charge sheet was filed against the petitioner. The learned II Metropolitan Magistrate,

Cyberabad, Ranga Reddy District took cognizance against the accused for the offence under Sections 419, 420 and 468 IPC.

3. During the course of trial, P.Ws.1 to 3 were examined and Exs.P1 to P10 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

4. On appreciation of both oral and documentary evidence, the trial Court found the petitioner-accused guilty for the offence under Sections 419, 420 and 468 IPC, convicted and sentenced him as follows:

- 1) The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period three years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for two months for the offence under Section 419 IPC.
- 2) The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period three years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for two months for the offence under Section 420 IPC.
- 3) Further, the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period three years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for two months for the offence under Section 468 IPC.
- 4) All the sentences shall run concurrently.

Aggrieved by the said conviction, the petitioner filed appeal viz., Crl.A.No.1 of 2006 before the IV Additional District & Sessions Judge, Fast Track Court, Ranga Reddy District. The said appeal was dismissed. Hence, the petitioner filed this revision.

5. Learned Counsel for the petitioner submitted that both the Courts below failed to appreciate the evidence in a proper perspective and that either the victim or his family members were not examined by the Court so as to ascertain the signatures of the victim and that the prosecution failed to substantiate its case by adducing cogent evidence.

6. Learned Additional Public Prosecutor submitted that the Courts below appreciated the evidence in a proper perspective and that the judgment under appeal does not warrant any interference.

7. From the material available on record, it is evident that the victim-N. Ramakrishnaiah, Policy holder died immediately after completion of recording of his statement. So, there is no possibility to compare his signatures. But in view of the provisions of Section 32 of the Evidence Act, the statement of the victim was considered by the Courts below. The evidence on record establishes the role played by the petitioner by impersonating the account of the victim. In this regard, the findings of both the Courts below are concurrent.

8. In view of the facts and circumstances of the case and in view of the concurrent findings of both the Courts below, this Court is not inclined to interfere with the judgment under revision.

9. At this stage, the learned Counsel for the petitioner submitted that the petitioner was in prison for a considerable period and therefore, a lenient view may be taken.

10. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment imposed by the Courts below for the above offences.

11. In the result, the conviction recorded by the Courts below against the petitioner-accused for the offence under Sections 419, 420 and 468 IPC is confirmed. But the period of sentence of imprisonment imposed under each count, is modified to the period, which the petitioner-accused has

already undergone under each count, while confirming the sentences of fine imposed under the above counts. All the substantive sentences shall run concurrently.

12. With the above modifications, the Criminal Revision Case is partly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

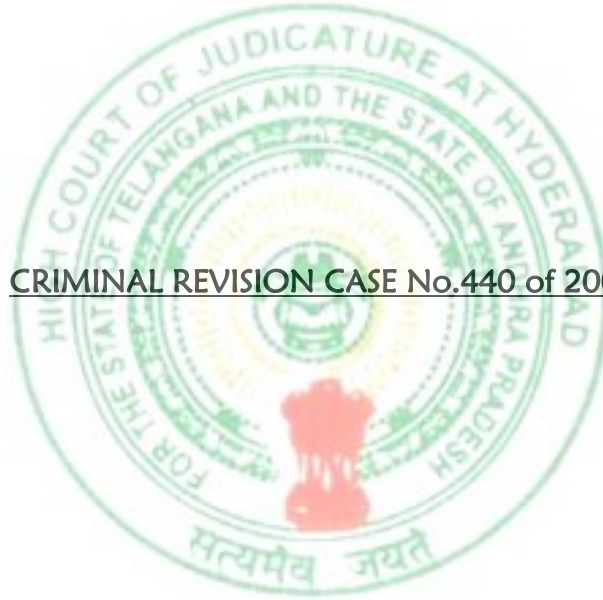
JUSTICE RAJA ELANGO

Dated:26th August, 2016

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26.8.2016

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