

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.645 OF 2008

ORDER:

The petitioner/complainant has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order, dated 31.12.2007, passed in C.C.No.1079 of 2002 by the Court of the I Additional Chief Metropolitan Magistrate, Vijayawada, whereby the learned Judge found A.1 to A.3 not guilty, for the offences under Sections 468, 471 and 420 IPC and acquitted them.

Heard and perused the material available on record.

Learned counsel for the *de facto* complainant submits that Court below erroneously disbelieved the version of P.W.9 and acquitted A.1 to A.3. He further submits that the Court below erroneously came to the conclusion that the prosecution failed to prove the case.

Normally this Court will not interfere with the order of acquittal until and unless the evidence adduced by the prosecution clinchingly pointing the guilt of the accused concerned. In the present case, the main documents which gave rise to the cause of action for the alleged offences under Sections 468, 471 and 420 IPC are Exs.P.2 and P.3. Admittedly, original documents of Exs.P.2 and P.3 were not produced before the Court below, but Xerox copies of the same are filed. To prove the offence under Section 468 IPC, it is necessarily the duty of the prosecution to prove that the person concerned forged the document; to prove the offence under Section 420 IPC is concerned, the prosecution has to prove that by using the said forged document, the person concerned has induced the other person with deceptive intention; and to prove the offence under Section 471 IPC is concerned, the prosecution has to prove that the person concerned has used the forged document as genuine one.

The Court below, after careful perusal of the evidence adduced on behalf of the prosecution, disbelieved the version of P.W.9, who is the *de facto* complainant and revision petitioner herein, and acquitted A.1 to A.3 as there is no evidence to connect A.1 to A.3 with the crime. This Court is of the view that the Court below has appreciated the evidence in proper perspective and rightly acquitted A.1 to A.3 for the offences under Sections 468, 471 and 420 IPC. The order of the Court below is in accordance with law and needs no interference. Hence, the criminal revision case fails and is liable to be dismissed.

The Criminal Revision Case is accordingly dismissed. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

30.08.2016
pln



JUSTICE RAJA ELANGO