

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2927 OF 2016

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ORDER:

The petitioner, who is A.1 in Crime No.99 of 2015 of Tallapudi Police Station, West Godavari District, filed this criminal petition under Section 438 of Cr.P.C., seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 467, 468, 419, 420, r/w. 471, r/w. 34 of IPC.

The averments in the report read as under:

"I am a resident of Gudiwada, Krishna District. I am doing business. I purchased an extent of A.1.47 cents of agricultural land situated in Peddavam village from one P. Krishna Prasad on 9.5.2011 for valuable consideration through a registered sale deed and took possession over the said property.

While matter stood thus, one Vallabhani Prasada Rao, s/o. Gani Raju, who is resident of Ballipadu and one Pamerla Veera Venkata Satyanarayana, S/o. Muthaya who is resident of Chidipi, Tallapudi Mandalam, who has an eye over my property has fraudulently, dishonestly, fabricated 9 payment receipts each by committing forgery with active collusion, support and abetment of 1. Muthina Surendra Babu and others whose list is enclosed and filled the said bunch of payment receipts in ATC.13/2011 & 14/2011 in the Kovvur Court. The said receipts bear the various dates prior to the year 2010.

I denied the said payment receipts and contested the same. The payment receipts were affixed with revenue stamps. The Honourable Court was pleased to send the said payment receipts to Indian Security Press, Nasik for determination of date of printing of the said stamps. The Indian Security Press, Nasik examined and

found that the revenue stamps affixed on the payment receipts were printed on 21.06.2010 and dispatched on 31.07.2010 for public sale. Thus the said stamps are not available prior to 31.07.2010. Ostensible the payment receipts bear the dates of prior to 31.07.2010, allegedly issued by various persons. Thus it is clear that the payment receipts are fabricated and forged. The said payment receipts were fabricated before filling them in the Honourable Court around in the month of October, 2011 at Ballipadu, Chidipi and other places.

I, therefore, pray your kindness to take action against the above accused for forging payment receipts of Muktha, for which act I will be thankful to you sir.”

Learned counsel for the petitioner submits that the alleged receipts, though filed by the petitioner, were, in fact, issued by the land owners and the allegation of the petitioner creating those documents is false.

On the other hand, the learned Public Prosecutor submits that a perusal of the case diary shows that A.1 and A.2 created the said documents and filed the same in ATC.Nos.13 and 14 of 2011 on the file of the Court at Kovvur for the purpose of claiming title and right over the property in dispute.

Now, the dispute is whether the alleged receipts, which contain the stamp, issued prior to 31.07.2010 are forged by the petitioner or whether the land owners have issued the said receipts to the subsequent purchasers. The material on record further discloses that A.2 was arrested on 01.03.2016 and released on bail.

In view of the above, since the petitioner/A.1 also stands on the same footing as that of A.2, he is directed to surrender before the concerned Court and move an application for bail, after giving prior notice to the Public Prosecutor, in which event the Court shall consider the said application on such terms and conditions as it deems fit on the same day itself.

Subject to the above directions, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

11.03.2016.
Msr

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