

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Crl.R.C.Nos.726, 727, 728, 729, 756, 809 & 1877 of 2017

These criminal revision cases are filed, under Sections 397 & 401 of the Code of Criminal Procedure, 1973 ('the Code', for brevity) seeking discharge of the petitioners-A17, A24, A16, A22, A23, A13, A26 & A53 respectively after setting aside the separate orders, dated 30.11.2016, of the learned Special Judge for trial of SPE & ACB Cases, Karimnagar, whereby the requests of the petitioners herein to discharge each of them were rejected while dismissing their respective petitions filed under Section 239 of the Code.

2. Since the respective contentions of the petitioners/ accused herein and that of the respondent-State in all the cases are identical and as the requests for discharge are also common & inter related and as the decision on the issue of discharge in all the cases requires consideration of common/ identical facts, contentions and legal position, all the revision cases are being disposed of by this common order.

3. Heard the submissions of Sri T. Niranjan Reddy, learned senior counsel representing Sri P.V.L.Bhanu Prasad, learned counsel for the petitioners in Crl.RC.Nos.726, 727, 728 & 729 of 2017, Sri Venkateshwar Varanasi, learned counsel for the petitioner in Crl.RC.No.756 of 2017, Sri Raja Reddy Koneti, learned counsel for the petitioners in Crl.RC.Nos.809 & 1877 of 2017, and of Sri C. Pratap Reddy, learned Public Prosecutor (TG), representing the respondent-State. I have perused the material record.

4. To begin with, it is to be noted that against the present petitioners/ accused herein and some others, a case in Crime No.3 of 2006 was registered, on 09.06.2007, by the Crime Investigation Department and after investigation, a charge sheet was filed for the offences punishable under

Sections 120-B, 419, 420, 466, 468, 471, 477(A), 201, 109 IPC and Section 13(1)(d) of Prevention of Corruption Act, 1988 ('the PC Act', for short).

5. The details of all the accused arrayed in the crime at the relevant time are as follows: 'A1, Sarva Shankariah @ Shanker was a Senior Assistant in the Office of the Assistant Director of Animal Husbandry, Karimnagar. A2, Muddasani Veeramallu, S/o.Muthaiah was an Attender in the Office of Special Dy.Collector, Land Acquisition, SRSP LMD Colony, Karimnagar. A3, Nakka Edwin, S/o.N. Premaiah, was an Attender in the High Court of Andhra Pradesh. A4, Vemuganti Srinivasa Rao, S/o.Mohan Rao was a Junior Assistant in Senior Civil Judge's Court, Karimnagar. A5 G.Laxmi Narayana, S/o.Mallaiah was a Superintendent in the Office of Special Dy.Collector, L.A. Unit, SRSP, LMD Colony, Karimnagar. A6, K. Satya Narayana, S/o.Narahari, was a senior Assistant in the Office of Special Deputy Collector, L.A. Unit, SRSP, LMD Colony, Karimnagar. A7, D. Rangaswamy, S/o.Rajaram, is a Superintendent in Senior Civil Judge's Court, Karimnagar. A8, T. Prabhakar Reddy, S/o.Ramchandra Reddy, was a Superintendent in the Senior Civil Judge's Court, Karimnagar. A9, Raziuddin, S/o.Rafiuddin, was a Senior Assistant in the District Court, Karimnagar. A10, Dayala Mallaiah, S/o.D. Bhoomaiah, was a Government Pleader at Senior Civil Judge's Court, Karimnagar. A11, Sarva Kanakaiah, S/o.Sarva Ramaiah is the elder brother of A1. A12, Mohd. Abdul Majeed, S/o. Mohd.Abdul Wahed was Special Deputy Collector (since retired), LMD, Karimnagar. A13, V. Venkateswara Rao, S/o. Tirumala Rao, was Special Deputy Collector, Land Protection Officer, Office of District Collector, Hyderabad. A14, Chinta Maruthi Rao, S/o. late C. Narsaiah, was Special Deputy Collector, since retired, Land Acquisition Unit, SRSP. A15, Vemuganti Srikanth Rao, S/o.late V.V. Narsimha Rao, was an advocate of Karimnagar. A16, P. Ramakrishna, S/o.P.Koteshwar Rao, was Superintendent, Office of Special Collector, SRSP, Tarnaka. A17, Dr. P. Laxminarayana, S/o.late P. Kanakaiah, is the Special Collector (since retired), SRSP, Tarnaka. A18, C. Ramesh Sagar

Rao, S/o.C. Rama Rao, is an advocate, Hyderabad. A19, C. Trilochan Rao, S/o C. Narahar Rao, is advocate, Karimnagar (since died). A20, K.V. Vijay Kumar, S/o. late K. Sanyasi Rao, was the Senior Civil Judge, Karimnagar. A21, D.Abbulu, S/o.D. Narsaiah, is the Senior Civil Judge, Karimnagar. Vide orders, dated 24.03.2009 in Crl.P.No.7821 of 2007 and batch, this Court quashed the proceedings in C.C.No.59 of 2007 against A20 & A21. A22, T. Rama Rao, S/o.Narayan Rao, was P.A. to Special Collector (Retired), SRSP, Tarnaka, Hyderabad. A23, G. Janardhan Rao, S/o.Venkataiah, is PA to Special Collector, SRSP, Tarnaka, Hyderabad. A24, J.T.Amarnath, S/o.late J. Tulasi Ram, is Senior Assistant in the Office of the Special Collector, SRSP, Tarnaka, Hyderabad. A25, P. Thirupathamma, W/o. K. Srinivas, is in-charge record keeper in Senior Civil Judge's Court, Karimnagar. A26, Swarna Venkateswerlu, S/o.Manikkaiah, is the Special Deputy Collector, L.A. LMD, Karimnagar/ original *de facto* complainant-informant. A27 to A52 are the beneficiaries of the land acquisition and are parties to various land acquisition OPs. A53, M. Narsimhulu, is retired Spl.Dy.Collector, LA, LMD colony, Karimnagar. A54, Bollabathula Laxmana Murthy, is the then Senior Assistant (Bench clerk), District Court, Karimnagar. A55, K. Mallesh, is the Superintendent (the then Superintendent, II Addl.District Court, Karimnagar).

6. Amongst all the accused, A20 & A21, the then Presiding Officers of the Senior Civil Courts, Karimnagar, were discharged vide common orders, dated 24.03.2009 in Crl.P.No.7821 of 2007 and batch. A12 & A14 were discharged by orders, dated 03.02.2011, in Crl.P.No.3696 of 2009. A7 was discharged vide orders, dated 27.01.2012, in Crl.P.No.699 of 2008. Though, *vide* the common orders related to the discharge of judicial Officers, A13 was also discharged by allowing his Crl.P.No.1408 of 2008, however, in the Criminal Appeal (Crl.A.No.1114 of 2012) preferred by the State, the Supreme Court has set aside the order discharging A13 by allowing the said appeal and by observing as follows: 'This order shall not prevent the respondent or prejudice him in any

way in urging all such grounds as are open to him both on facts and in law at the time of framing of the charges before the trial court. We also make it clear that while examining whether any charges have to be framed against the respondent, the trial court shall remain uninfluenced by the observations made by the High Court in the impugned judgment, which we have set aside by this order.'

7. Be it noted that the present petitioners-accused 13, 16, 17, 22, 23, 24 & 53 worked in the Office of Special Collector, SRSP, Tarnaka; and, A.17-the Special Collector (IAS), SRSP, Tarnaka, was the head of the office.

8. The case in a nutshell is this: 'In land acquisition cases relating to lands of Hasnapur village of Karimnagar District, fake appeal judgments & orders and decrees of the High Court were brought into existence by A1 in conspiracy and in connivance with the other accused working in the Offices of the Special Deputy Collector, Land Acquisition; LMD, Karimnagar; Special Collector, Sri Ram Sagar Project (SRSP), Tarnaka, Hyderabad; Senior Civil Court, Karimnagar; and, also with advocates; Government Pleader of Senior Civil Court, Karimnagar; and, beneficiaries who received compensations on the basis of such forged/ fake judgments/ orders/ decrees of the Courts. The conspiracy and connivance and the acts done pursuant thereto was to claim compensation @ Rs.25,000/- per acre irrespective of the category of land and entitlement of the claimants/ beneficiaries. The lands were acquired for Sri Ram Sagar Project (SRSP). A1, who was working as a Typist in Animal Husbandary Department, was instrumental in fabricating certain judgments/ orders/ decrees of the Courts and in swindling huge money of about rupees three crores from the State exchequer in conspiracy and in connivance with the other accused persons working in the above said Offices and the other accused. Fake judgments were used in a fraudulent manner in processing the cases for payment of compensation amounts in connivance of A2, A5, A6, 12 to 14, 16, 17, 22 to 24

and 26 with A1 and the beneficiaries of such payments who were arraigned as A27 to A52 and conspiracy amongst the accused. According to the contents of the charge sheet and material on record, in six cases there were partial enhancement of compensation by the High Court but not to the extent of Rs.25,000/- per acre but compensation was eventually paid at higher rate. In two cases, the judgments of the Senior Civil Judge's Court, Karimnagar, were confirmed by the High Court. In three cases, the High Court dismissed appeals for default. In three cases no appeals were filed by the claimants and the appeal numbers mentioned against OPs do not relate to the appeal numbers of the High Court. In 14 cases, no appeals were preferred either by the claimants or the LAO/ Government and the A.S. numbers mentioned in the fake/fabricated appeal judgments of the High Court relate to OPs of other Districts but not of Karimnagar District. Basing on the fake judgments/ orders/ decrees, all the accused including the present petitioners allegedly facilitated payment of compensation amount which is more than due and payable to the claimants/beneficiaries. Further, though Sarva Shankaraiah, S/o.Rukmaiah died, on 25.10.2000, by consuming poison, Sarva Shankaraiah, S/o.Ramaiah, that is, A1, opened an SB Account in the name of the deceased Sarva Shankaraiah, S/o.Rukmaiah and got filed cheque petition in O.P.No.887 of 1982 in the name of the said deceased and received compensation through SBH, Mankammathota Branch, Karimnagar, impersonating the deceased who is his namesake.'

9. The case of the present petitioners-accused herein in support of their respective requests for discharge and the submissions made on their behalf, in brief, are as follows:

The procedure for processing the files in the Office of the Special Collector and in the Offices of the Courts would indicate that specific duties are assigned to various officers/ members of staff working in the Office of the

Special Collector and the offices of the Courts. The officers and staff of the Special Collector's office have no access to the files in the Court. Similarly the officers and staff of the Courts have no access to the files in the Special Collector's Office. The decretal proposals, which are received in the prescribed form duly attested by the Special Deputy Collector, will be subjected to scrutiny generally. And, the scrutiny and verification would be confined to correctness of the calculations and the issue as to any further appeal has to be preferred by the Government and obtaining of opinion/s of Government Pleader/ Assistant Government Pleader in that regard. When the files were processed there was no room for suspicion. Even opinions were obtained in certain cases from the Advocate General. And, upon receipt of the legal opinion/s, the files were further processed in some cases. Thus, the petitioners/ accused herein performed their respective duties in the processing of the files in the Office of the Special Collector. Though it is alleged in the charge sheet that A17 who by then worked as Special Collector, SRSP, Tarnaka, conspired with A1, who is a typist working in Animal Husbandary Department, Karimnagar, it is not possible for such conspiracy as A17 and the other petitioners/ accused herein were working at Hyderabad. It is not the case of the prosecution that the petitioners/ accused herein fabricated any documents, which were pressed into service for the purpose of misappropriation of funds of the Government. Hence, there is no incriminating material against the petitioners/ accused herein for any of the offences mentioned in the charge sheet. In the processing of the files, each officer discharged his duty and acted upon the notes of the subordinates under a *bona fide* impression. The acts done by the petitioners/ accused herein in discharge of their official duties are similar to that of the acts of A20 & A21, who were the then Senior Civil Judges in the Court at Karimnagar. The offences alleged against these petitioners are also similar to those alleged against A20 & A21. There is no whisper in the charge sheet that the petitioners/ accused gained pecuniary advantage by

virtue of abuse of their official positions to attract Section 13(1)(d) of the PC Act. The petitioners are falsely implicated. In-fact the proceedings against A20 & A21, judicial officers, were quashed by this Court by a common order, dated 24.03.2009, passed in Crl.P.Nos.7821 of 2007 & 628 of 2008 filed respectively by the said judicial officers and batch. Even if the entire material of the case record is taken on its face value no case is made out against the petitioners herein in respect of the proposed charges. The observations of the High Court in the common order rendered in respect of the judicial officers/ A20 & A21 are equally applicable to the present petitioners. The fake judgments, which were allegedly introduced into the records by A1 without the knowledge of these petitioners, on a perusal do not even give scope for a shadow of doubt that they are fake or fabricated judgments. For all appearance, they looked like genuine copies of judgments/ orders/ decrees. Hence, the petitioners-accused are entitled to be discharged. The Court below had failed to appreciate the facts correctly and the legal position in proper perspective. The ingredients required to constitute the offences are not made out against the petitioners-accused herein. Though 110 witnesses were cited and number of documents were seized including material objects like typewriter, fake seals etcetera, yet the evidence collected including the statements of LWs do not disclose any *prima facie* material as none of the witnesses had spoken against the petitioners-accused herein. A Special Collector was requested by the investigating agency to enquire into the matter and accordingly he submitted a report in May, 2007. As per the said report, the liability was fastened against A5 alone and these accused-petitioners are in no way responsible for fabrication/ creation of any documents/ judgments/ orders/ decrees of the High Court. Therefore, allegations even if accepted as true and correct, at best, they amount to negligence in discharge of duties by these petitioners-accused herein. The report of the Spl.Collector discloses involvement of others but not the

petitioners herein. No fraud has been committed and there is no material to show that the petitioners-accused herein are participants in the conspiracy; and, in any view of the matter there is no mens rea. There is no evidence of hatching of a conspiracy or any overt act by any of these accused persons except at best, negligence in discharge of official duties. For the mischiefs played by A1 with others, these innocent petitioners-accused are being made scapegoats. Hence, the orders impugned are liable to be set aside and the petitioners are entitled to be discharged.

10. On the other hand, learned Public Prosecutor while supporting the orders of the trial Court has drawn the attention of this Court to the various averments in the charge sheet and the content of the material record showing the complicity of the petitioners/ accused herein and also the statements of some of the witnesses including those of the beneficiaries to show that the investigating agency collected sufficient material showing a *prima facie* case and a strong case for laying a charge sheet and putting the accused to trial. He further contended that huge financial loss was caused to the Government by use of fake and fabricated court judgments/ orders and decrees and that A1 in conspiracy and in connivance with the other accused including the advocates and beneficiaries caused the said loss to the Government and that, therefore, the ingredients of the offences with which the respective accused are proposed to be charged are made out and the contention that the proposed charges are groundless is devoid of merit. He, therefore, prayed for dismissal of the revision cases.

11. Dealing with the first contention that even if the allegations in the charge sheet are taken on their face value no *prima facie* case much less a strong case is made out against the petitioners, it is necessary to refer to infra the relevant averments in the charge sheet related to the complicity of the present petitioners/ accused herein.

10.....The fake appellate judgements, which were typed by A1, were used for processing Land acquisition OPs in the Court of Sr.Civil Judge, Karimnagar with the connivance of the other accused working in department of Revenue (A2, A5, A6, A12, A13, A14, A16, A17, A22, A23, A24 and A26) and the Court staff (A4, A7 to A9, A10, A20, A21, A25) for claiming compensation by the claimants/ accused (A27 to A52) of Hasnapur village causing financial loss to the Government.

12. The accused G.Laxminarayana (A5) and Satyanarana (A6) working in office of the Spl.Dy.Collector and the Spl.Dy.Collectors, Mohd.Abdul Majeed (A12), V. Venkateshwar Rao (A13) and C. Maruthi Rao (A14) processed the land acquisition cases in respect of Hasnapur village on he basis of fake judgments and circulated them to the office of the Spl. Collector, SRSP, Tarnaka and the accused A16, A17, A22, A23 and A24 working in the Spl. Collector office in turn circulated the files to Government or sanction of compensation amounts. Thus, the accused also deliberately contravened Articles 5 and 273 of the A.P. Financial Code.

13. Thus, it is evident from the records that the accused Government Servants have committed criminal misconduct and abused/ misused their official position causing in financial loss to the Government resulting in pecuniary gain/ advantage to A1 and other beneficiaries/ accused without any public interest. The material collected by the investigating officer established that A1, A4 to A9, A12, A13, A14, A16, A17, A22, A23, A24, A25, A26 have not only fudged/ forged/ fabricated and falsified the public records but also cheated the Government in collusion with the beneficiaries/ accused with dishonest and fraudulent intention of causing wrongful loss to the Government exchequer.

32. V. Venkateshwara Rao (A13), the Spl.Dy.Collector, Karimnagar conspired with Sarva Sankaraiah (A1) and the other accused and processed the Land acquisition cases of the Court of Sr.Civil Judge, Karimnagar pertaining to Hasnapur village and facilitated misappropriation of Government money by the beneficiaries/ accused. When verified, the A.S.Nos found in some of the fake judgments do not relate to the land acquisition OPs of Sr.Civil Judge Court, Karimnagar.

The statement showing the details of land acquisition cases that were processed by the accused V. Venkateshwara Rao (A13) for sanctioning compensation claimed by the beneficiaries/ accused is given below:

A13

S. No.	O.P.No.	A.S.No.	Name of the Claimant	Remarks
1	849/ 82	2531/ 86	K. Narayana	Corresponds to OP.No.OS.No.151/ 78 of Guntur District.

2	887/ 82	1341/ 87	S. Shankaraiah	Corresponds to OP.No.83/ 87 of Visakhapatnam District.
3	985/ 82	206/ 87	K.Rajmallu	Corresponds to OP.No.OS.No.49/ 77 of Krishna District.
4	912/ 82	2130/ 85	M. Komaraiah	Appeal filed in the AP High Court was dismissed for default.
5	667/ 83	2061/ 86	K. Viswanatham & others	Corresponds to OP.No.30/ 74 of West Godavari Dist.
6	856/ 82	3666/ 88	S. Satyanarayana	The A.S.No.3666/ 88 is not allotted by A.P. High Court during the relevant year.
7	860/ 82	1294/ 86	D. Raghavulu	The judgment of the Sub-Court Karimnagar was confirmed by the High Court of A.P.
8	891/ 82	1558/ 88	D. Satyanarayana	Corresponds to OP.No.358/ 85 of Wanaparthi, Mahabubnagar Dist.
9	917/ 82	1827/ 88	P. Malla Reddy	Corresponds to OS.no.191/ 86 of Guntur Dist.
10	771/ 83	2475/ 88	K. Pochamma	Corresponds to OP.no.20/ 86 of Visakhapatnam Dist.

39. P.Rama Krishna (A16) Superintendent conspired with Sarva Sankaraiah (A1) and the other accused and processed the Land acquisition cases of Sr.Civil Judge's Court, Karimnagar pertaining to Hasnapur village and facilitated misappropriation of Government money by the beneficiaries/accused. When verified, the A.S.Nos found in some of the fake judgments do not relate to the land acquisition OPs of Sr.Civil Judge's Court, Karimnagar.

The statement showing the details of land acquisition cases and the fake appellate judgments of the High Court of A.P., Hyderabad, that were processed by the accused P. Ramakrishna (A16) for sanction of the compensation amount to the claimants is given below.

S. No	O.P.No.	A. S.No.	Name of the Claimant	Remarks
1	80/ 81	3051/ 86	G. Narayana	AS.No.3051/ 86 is not allotted by A.P.High Court during the relevant year.

2	300/ 80	1815/ 85	P.Ramachandra Reddy	Correspond to OP.no.104/ 84 of Suryapet, Nalgonda Dist.
3	303/ 80	318/ 86	K. Ramaiah	Corresponds to OP.No.330/ 80 of Aayyavaru Krishna Murty of Karimnagar
4	922/ 83	2237/ 87	M. Rangaiah(Expired)	Corresponds to OP.No.922/ 83 in which AP High Court enhanced the compensation amount in part.
5	574/ 82	819/ 85	B. Ramaiah	Corresponds to OP.no.574/ 82 in which A. P. High Court enhanced the compensation amount in part
6	561/ 83	2694/ 86	M. Mallaiah	Corresponds to OP.no.561/ 83 in which A. P. High Court enhanced the compensation amount in part
7	617/ 82	822/ 85	K. Kondaiah	Corresponds to OP.no.617/ 82 in which A. P. High Court enhanced the compensation amount in part
8	907/ 82	2769/ 87	N. Laxmaiah	Corresponds to OP.no.907/ 82 in which A. P. High Court enhanced the compensation amount in part
9	921/ 82	1627/ 88	Azeemuddin	Corresponds to OP.no.921/ 82 of Sub-Court Karimnagar which was confirmed by AP High Court
10	849/ 82	2531/ 86	K. Narayana	Corresponds to OP.No.OS No.151/ 78 of Guntur District
11	887/ 82	1341/ 87	S. Shankaraiah	Corresponds to OP.No.83/ 87 of Visakhapatnam District
12	985/ 82	206/ 87	K. Rajmallu	Corresponds to OP.No.OS No.49/ 77 of Krishna District

13	850/ 82	3576/ 88	K. Raji Reddy	This AS.No.3576/ 88 is not allotted by AP High Court during the relevant year
14	908/ 82	1669/ 88	K. Hanumakka	Corresponds to OP.No.344/ 86 of Nirmal, Adilabad Dist.
15	777/ 83	1251/ 88	K. Rukmaiah	Corresponds to OP.No.322/ 85 of Visakhapatnam Dist.
16	856/ 82	3666/ 88	S. Satyanarayana	This AS.No.3666/ 88 is not allotted by AP High Court during the relevant year
17	912/ 82	2130/ 85	M. Komaraiah	Appeal filed in the AP High Court but was dismissed for default.
18	667/ 83	2061/ 86	K.Viswanatham & others	Corresponding to OP.No.30/ 74 of West Godavari Dist.
19	860/ 82	1294/ 86	D. Raghavulu	The judgment of the Sub-Court Karimnagar was confirmed by the High Court of A.P.
20	891/ 82	1558/ 88	D. Satyanarayana	Corresponds to OP.No.358/ 85 of Wanaparthi, Mahabubnagar Dist.
21	917/ 82	1827/ 88	P. Malla Reddy	Corresponds to OS.no.191/ 86 of Guntur
22	771/ 83	2475/ 88	K. Pochamma	Corresponds to OP.no.20/ 86 of Visakhapatnam
23	971/ 82	2054/ 87	B. Narayana	Appeal filed in the A.P. High Court was dismissed for default
24	988/ 82	724/ 86	K. Ramaiah	Appeal filed in the AP High Court was dismissed for default
25	782/ 83	1318/ 92	K. Veeraiah (M. Bheem Rao v. N. Jakraiah, dt.30.6.92)	Corresponds to OS.no.211/ 87 of I Addl.Sub-Court, Visakhapatnam (still pending in High Court)

40. It is evident from the above tabular form that out of 25 land acquisition cases, appeals were filed in only nine (9) cases before the Hon'ble High Court of A.P. Out of them, five (5) cases were disposed off with partial enhancement of compensation not to the extent of Rs.25,000/- per acre; three (3) cases were dismissed for default, in one case, judgment of the lower court was confirmed and in the remaining 16 cases, no appeals were preferred to the High Court of A.P either by the land acquisition officer or by the claimants. Out of those 16 cases, A.S Nos in three cases found in the fake judgments were not allotted by the High Court during the relevant year and in the remaining 13 cases, the A.S.Nos pertain to other districts.

41. When cross checked, the records of O.P.Nos.617/ 82, 574/ 82 and 561/ 83 in the O/o.Spl. Collector, Tarnaka, Hyderabad, disclosed that appeals were preferred to and disposed off by the Hon'ble High Court of A.P long back with partial enhancement and that compensation was already paid to the claimants. The judgment copies of the Hon'ble High Court in corresponding Ass were already received by the O/o. Spl. Collector, L.A unit, SRSP, Tarnaka, Hyderabad. A16 in conspiracy with the other accused processed the files again on the basis of fake appellate judgments and facilitated payment of compensation amount twice to the claimants in the above cases.

42. Against the judgments of the Sr.Civil Judge, Karimnagar in OP.nos.526/ 92 and 983/ 82, appeals were preferred by SDC, LMD, Karimnagar and they were disposed off by the High Court, confirming the judgment of the lower Court in OP.no.526/ 92 and enhancing the compensation to Rs.25,000/- per acre by allowing cross objections filed by claimant in OP.No.983/ 82. They were processed and compensation was already paid to the claimants.

A16 suppressed the above facts and processed the files again basing on the sake judgments and facilitated payment of compensation twice to the claimants/ accused.

43. Thus, it is established that the accused P. Ramakrishna (A16) conspired and connived with A1 and the other accused and facilitated the commission of the offence of cheating by the beneficiaries – accused causing financial loss of Rs.2,84,15,488/- to Government exchequer.

44. A17, Spl. Collector conspired with Sarva Sankariah (A1) and the other accused and processed the files of the Land acquisition cases of Sr.Civil Judge's Court, Karimnagar pertaining to Hasnapur village and facilitated misappropriation of Government fund by the beneficiaries/ accused. When verified the A.S.Nos found in some of the fake judgments do not relate to the land acquisition cases of Sr. Civil Judge's Court, Karimnagar.

The statement showing the details of land acquisition cases that were processed by A17 for sanctioning compensation claimed by the beneficiaries/ accused is given below.

S.No.	O.P.No.	A.S.No.	Name of the Claimant	Remarks
1	77/ 81	2170/ 85	B.Veeraiah (expired)	Corresponds to OP.No.77/ 81 in which AP High Court enhanced the compensation amount in part
2	80/ 81	3051/ 86	G. Narayana	The AS.No.3051/ 86 is not allotted by A.P.High Court during the relevant year
3	300/ 80	1815/ 85	P. Ramachandra Reddy	Corresponds to OP.no.104/ 84 of Suryapet, Nalgonda Dist.
4	303/ 80	318/ 86	K. Ramaiah	Corresponds to OP.No.330/ 80 of Aayyavaru Krishna Murty of Karimnagar
5	922/ 83	2237/ 87	M.Rangaiah (Expired)	Corresponds to OP.No.922/ 83 in which AP High Court enhanced the compensation amount in part.
6	574/ 82	819/ 85	B. Ramaiah	Corresponds to OP.no.574/ 82 in which A.P. High Court enhanced the compensation amount in part
7	561/ 83	2694/ 86	M. Mallaiah	Corresponds to OP.no.561/ 83 in which A.P. High Court enhanced the compensation amount in part
8	617/ 82	822/ 85	K. Kondaiah	Corresponds to OP.no.617/ 82 in which A.P. High Court enhanced the compensation amount in part

9	907/ 82	2769/ 87	N. Laxmaiah	Corresponds to OP.no.907/ 82 in which A.P. High Court enhanced the compensation amount in part
10	921/ 82	1627/ 88	Azeemuddin	Corresponds to OP.no.921/ 82 of Sub-Court Karimnagar which was confirmed by AP High Court
11	849/ 82	2531/ 86	K. Narayana	Corresponds to OS.No.151/ 78 of Guntur District
12	887/ 82	1341/ 87	S. Shankaraiah	Corresponds to OP.No.83/ 87 of Visakhapatnam
13	985/ 82	206/ 87	K. Rajmallu	Corresponds to OS.No.49/ 77 of Krishna District
14	850/ 82	3576/ 88	K. Raji Reddy	This AS.No.3576/ 88 is not allotted by AP High Court during the relevant year
15	908/ 82	1669/ 88	K. Hanumakka	Corresponds to OP.No.344/ 86 of Nirmal, Adilabad Dist.
16	777/ 83	1251/ 88	K. Rukmaiah	Corresponds to OP.No.322/ 85 of Visakhapatnam Dist.
17	856/ 82	3666/ 88	S. Satyanarayana	This AS.No.3666/ 88 is not allotted by AP High Court during the relevant year
18	912/ 82	2130/ 85	M. Komaraiah	Appeal filed in the AP High Court but was dismissed for default.
19	667/ 83	2061/ 86	K. Viswanatham & others	Corresponding to OP.No.30/ 74 of West Godavari Dist.
20	860/ 82	1294/ 86	D. Raghavulu	The judgment of the Sub-Court Karimnagar was confirmed by the High Court of A.P.
21	891/ 82	1558/ 88	D. Satyanarayana	Corresponds to OP.No.358/ 85 of Wanaparthy, Mahabubnagar Dist.
22	917/ 82	1827/ 88	P. Malla Reddy	Corresponds to OS.no.191/ 86 of

				Guntur
23	771/ 83	2475/ 88	K. Pochamma	Corresponds to OP.no.20/ 86 of Visakhapatnam
24	971/ 82	2054/ 87	B. Narayana	Appeal filed in the A.P. High Court but was dismissed for default
25	988/ 82	724/ 86	K. Ramaiah	Appeal filed in the AP High Court but was dismissed for default
26	782/ 83	1318/ 92	K. Veeraiah (M. Bheem Rao v. N. Jakraiah, dt.30.6.92)	Corresponds to OS.no.211/ 87 of I Addl.Sub-Court, Visakhapatnam (still pending in the A.P. High Court)

45. It is evident from the above tabular form that out of 26 land acquisition cases, appeals were preferred to High Court of A.P in only 11 cases. Out of them, six cases were disposed off with partial enhancement of compensation not to the extent of Rs.25,000/- per acre, three cases were dismissed for default, and in two cases the judgments of the lower court were confirmed by the High Court. In the remaining 15 cases, no appeals were preferred either by LAO or by the claimants. Out of these 15 cases, in three cases, A.S.Nos found on the fake judgments were not allotted by the High Court during the relevant year and in remaining 2 cases, A.S.Nos pertain to the other Districts.

46. When cross checked the records of OP.Nos.617/ 82, 574/ 82 and 561/ 83 in the O/o.Spl. Collector, Tarnaka, Hyderabad, disclosed that appeals were preferred and disposed off by the High Court of A.P. in respect of the above OPs long back with partial enhancement and that compensation was already paid to the claimants. The judgment copies of High Court in respect of above OP.Nos. were already received by the O/o. Spl. Collector, LA Unit, SRSP, Tarnaka, Hyderabad.

A17 in conspiracy with the other accused processed the files again on the basis of fake appellate judgments and facilitated payment of compensation amount twice to the claimants.

47. Against the judgments of the Sr.Civil Judge, Karimnagar in OP.Nos.526/ 92 and 983/ 82, appeals were preferred by SDC, LMD, Karimnagar and they were disposed off by the High Court confirming the judgment of the lower Court in OP.no.526/ 92 and enhancing the compensation to rs.25,000/- per acre by allowing cross objections filed by claimant in OP.no.923/ 82. The same were processed and compensation was paid to the claimants earlier.

A17 suppressed the above fact and processed the files again basing on the same judgments and facilitated payment of compensation twice to the claimants/ accused.

48. It is clearly mentioned in the G.O688 I & CAD (PW-SLM) Dept.13-9-2004, 467 dt.8.7.2002, 694, dt.14.9.2004, 633 dt.1.9.2004, 696, dt.14.9.2004, 583, dt.25.7.2003, 281, dt.1.4.2003, 6 dt.3.1.2003, 712, dt.13.9.2004, 375, dt.7.5.2003, 323, dt.15.4.2003, 455 dt.18.6.2003, 293 dt.9.5.2000, 472 dt.26.6.2003, 319, dt.15.4.2003, 405 dt.25.5.2005, 374 dt.7.5.2003, 639 dt.1.9.2004, 686 dt.14.9.2004 and 467 dt.8.7.2002 that the Spl. Collector, SRSP, Tarnaka, Hyderabad was directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and after verification of decrees and decretal amounts, if any, already paid.

49. But, A17 being the Spl. Collector failed to verify the records and paved way for payment of compensation twice to the claimants with the connivance of other accused basing on fake judgment copies of High Court of A.P.

50. Thus, it is established that A17 conspired and connived with A1 and the other accused and facilitated the commission of the offence of cheating by the beneficiaries/ accused causing financial loss of Rs.3,09,33,616/- to Government exchequer.

51. A22, P.A. to Spl. Collector conspired with A1 and the other accused and processed the land acquisition cases on the file of Sr.Civil Judge, Karimnagar, pertaining to Hasnapur village and facilitated misappropriation of Government money by the beneficiaries/ accused. When verified, AS Nos. found in some of the fake judgments do not relate to the land acquisition OPs of Sr.Civil Judge's Court, Karimnagar.

The statement showing the details of land acquisition cases that were processed by A22 for sanctioning compensation claimed by the beneficiaries/ accused is given below.

S.No.	O.P.No.	A.S.No.	Name of the Claimant	Remarks
1	300/ 80	1815/ 85	P. Ramachandra Reddy	Corresponds to OP.no.104/ 84 of Suryapet, Nalgonda Dist.
2	303/ 80	318/ 86	K. Ramaiah	Corresponds to OP.No.330/ 80 of Aayyavaru Krishna Murty of Karimnagar Dist.
3	887/ 82	1341/ 87	S. Shankaraiah	Corresponds to OP.No.83/ 87 of Visakhapatnam District

4	985/ 82	206/ 87	K. Rajmallu	Corresponds to OS.No.49/ 77 of Krishna District
5	850/ 82	3576/ 88	K. Raji Reddy	This AS.No.3576/ 88 is not allotted by AP High Court during the relevant year
6	908/ 82	1669/ 88	K. Hanumakka	Corresponds to OP.No.344/ 86 of Nirmal, Adilabad Dist.
7	777/ 83	1251/ 88	K. Rukmaiah	Corresponds to OP.No.322/ 85 of Visakhapatnam Dist.
8	856/ 82	3666/ 88	S. Satyanarayana	This AS.No.3666/ 88 is not allotted by AP High Court during the relevant year
9	667/ 83	2061/ 86	K. Viswanatha & others	Corresponding to OP.No.30/ 74 of West Godavari Dist.
10	860/ 82	1294/ 86	D. Paghavulu	The judgment of the Sub-Court Karimnagar was confirmed by the High Court of A.P.
11	891/ 82	1558/ 88	D. Satyanarayana	Corresponds to OP.No.358/ 85 of Wanaparthi, Mahabubnagar Dist.
12	917/ 82	1827/ 88	P. Malla Reddy	Corresponds to OS.no.191/ 86 of Guntur
13	782/ 83	1318/ 92	K. Veeraiah (M. Bheem Rao v. N. Jakraiah, dt.30.6.92)	Corresponds to OS.no.211/ 87 of I Addl.Sub-Court, Visakhapatnam (appeal still pending in High Court)

52. Thus out of 13 land acquisition cases, the High Court confirmed the judgment of the sub-court, Karimnagar in OP.no.860/ 82. In two cases, A.S.Nos were not allotted by the High Court during the relevant year. In respect of nine (09) cases, the AS.Nos mentioned in the fake appellate judgments pertain to the other districts. OP.No.303/ 80 corresponding to AS.no.318/ 86 relates to one Ayyavaru Krishna Murthy of Karimnagar.

53. In OP.no.983/ 82 compensation was paid to the claimant as per the judgment of the High Court in the year 1997. A22 in conspiracy and connivance with A2 and the other accused suppressed the earlier payment and processed the same file once again and got the compensation paid to the claimant in the year 2002.

54. It is clearly mentioned in the GOs that the Spl.Collector, SRSP, Tarnaka, Hyderabad was directed to deposit the above sanctioned decretal amount in the

respective court after thorough verification of calculations made by the LAO once again at his level and after verification of decrees and decretal amounts, if any, already paid.

55. But, A22 being the P.A to Spl. Collector failed to verify the office records and paved way for payment of compensation twice to the claimants with the connivance of other accused basing on fake judgment copies of High Court.

56. Thus, it is established that A22 conspired and connived with A1 and the other accused and facilitated the commission of the offence of cheating by the beneficiaries/ accused causing financial loss of Rs.1,69,86,826/- to Government exchequer.

57. G. Janardhan Rao (A23), PA to Spl. Collector conspired with A1 and the other accused and processed the land acquisition cases of S. Civil Judge's Court, Karimnagar, pertaining to Hasnapur village and facilitated misappropriation of Government money by the beneficiaries/ accused.

When verified, the A.S.Nos found in some of the fake judgments do not relate to the land acquisition cases of S. Civil Judge's Court, Karimnagar.

The statement showing the details of land acquisition cases that were processed by A23 for sanctioning compensation claimed by the beneficiaries/ accused is given below.

S.No.	O.P.No.	A.S.No.	Name of the Claimant	Remarks
1	77/ 81	2170/ 8	B. Veeraiah	Corresponds to OP.No.77/ 81 in which AP High Court enhanced the compensation amount in part
2	80/ 81	3051/ 86	G. Narayana	AS.No.3051 of 1986 is not allotted by A.P.High Court during the relevant year
3	922/ 83	2237/ 87	M. Pangaiah(Expired)	Corresponds to OP.No.922/ 83 in which AP High Court enhanced the compensation amount in part.
4	574/ 82	819/ 85	B. Ramaiah	Corresponds to OP.no.574/ 82 in which A.P. High Court enhanced the compensation amount in part
5	561/ 83	2694/ 86	M. Mallaiah	Corresponds to OP.no.561/ 83 in

				which A.P. High Court enhanced the compensation amount in part
6	617/ 82	822/ 85	K. Kondaiah	Corresponds to OP.no.617/ 82 in which A.P. High Court enhanced the compensation amount in part
7	907/ 82	2769/ 87	N. Laxmaiah	Corresponds to OP.no.907/ 82 in which A.P. High Court enhanced the compensation amount in part
8	921/ 82	1627/ 88	Azeemuddin	Judgment of the Sub-Court, Karimnagar, in OP.No.921/ 82 was confirmed by the A.P. High Court.
9	849/ 82	2531/ 86	K. Narayana	Corresponds to OS No.151/ 78 of Guntur.
10	912/ 82	2130/ 85	M. Komaraiah	Appeal filed in the AP High Court was dismissed for default.
11	771/ 83	2475/ 88	K. Pochamma	Corresponds to OP.no.20/ 86 of Visakhapatnam
12	971/ 82	2054/ 87	B. Narayana	Appeal filed in the A.P. High Court was dismissed for default
13	988/ 82	724/ 86	K. Ramaiah	Appeal filed in the AP High Court was dismissed for default

58. Thus out of 13 land acquisition cases, the High court of A.P confirmed the judgment of the lower court in OP.no.921/ 82. In six cases, it enhanced the compensation in part, but not to the extent of Rs.25,000/- per acre. In one case, the A.S.No was not allotted by the High Court during the relevant year and in two other cases, the A.S.Nos pertain to the cases of other districts. In three cases, the appeals were dismissed for default.

59. In OP.no.526/ 92 the High Court, Hyderabad, ordered payment of compensation and the same was paid to the claimant in the year 2001. A23 suppressed the facts of earlier payment and processed the file again and facilitated the payment of compensation again to the claimants in the year 2004.

60. It is clearly mentioned in the GOs that the Spl.Collector, SRSP, Tarnaka, Hyderabad was directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once

again at his level and after verification of decrees and decretal amounts, if any, already paid.

61 But, A23 being the P.A to Spl. Collector failed to verify the records and paved way for payment of compensation twice in conspiracy and with the connivance of the other accused based on fake judgments/ decrees of Hon'ble High Court of A.P.

62. Thus, it is established that A23 conspired and connived with A1 and the other accused and facilitated the commission of the offence of cheating by the beneficiaries/ accused causing financial loss of Rs.1,39,46,790/- to Government exchequer.

63. J.T.Amarnath, A24, Sr. Assistant conspired with A1 and the other accused and processed the land acquisition cases of the Court of Sr.Civil Judge, Karimnagar pertaining to Hasnapur village and facilitated misappropriation of Government money by the beneficiaries/ accused. When verified, the A.S Nos found in some of the fake judgments do not relate to the land acquisition OPs in the Court of Sr.Civil Judge, Karimnagar.

The statement showing the details of land acquisition cases that were processed by A24 for sanctioning compensation claimed by the beneficiaries/ accused is given below.

S.No.	O.P.No.	A.S.No.	Name of the Claimant	Remarks
1	80/ 81	3051/ 86	G. Narayana	This AS.No.3051/ 86 is not allotted by A.P.High Court during the relevant year
2	922/ 83	2237/ 87	M. Rangaiah (Expired)	Corresponds to OP.No.922/ 83 in which AP High Court enhanced the compensation amount in part.
3	574/ 82	819/ 85	B. Ramaiah	Corresponds to OP.no.574/ 82 in which A.P. High Court enhanced the compensation amount in part
4	561/ 83	2694/ 86	M. Mallaiah	Corresponds to OP.no.561/ 83 in which A.P. High Court enhanced the compensation amount in part
5	617/ 82	822/ 85	K. Kondaiah	Corresponds to OP.no.617/ 82 in which A.P. High Court enhanced the compensation

				amount in part
6	907/ 82	2769/ 87	N. Laxmaiah	Corresponds to OP.no.907/ 82 in which A.P. High Court enhanced the compensation amount in part
7	921/ 82	1627/ 88	Azeemuddin	Judgment of Sub-Court, Karimnagar, was confirmed by the A.P. High Court.
8	849/ 82	2531/ 86	K. Narayana	Corresponds to OS.No.151/ 78 of Guntur.
9	971/ 82	2054/ 87	B. Narayana	Appeal filed in the A.P. High Court was dismissed for default
10	988/ 82	724/ 86	K. Ramaiah	Appeal filed in the AP High Court was dismissed for default

64. Thus, it is evident from the above tabular form that out of 10 land acquisition cases mentioned above, the high Court of A.P confirmed the judgment of the lower court in OP.no.921/ 82. Two appeals arising out of OP.Nos.971/ 82 and 988/ 82 were dismissed for default. The High Court of A.P enhanced the compensation in part in five cases but not to the extent of rs.25,000/- per acre. In one case, A.S.No was not allotted by High Court during the relevant year and in another case, the A.S No found on the fake judgment pertains to another District.

65. When cross checked the records of OP.Nos.617/ 82, 574/ 82 and 561/ 83 in the O/ o. Spl. Collector, tarnaka, Hyderabad, disclosed that appeals were preferred to and disposed off by the High Court of A.P in respect of the above Ops long back with partial enhancement and that compensation amount was already paid to the claimants. The judgment copies of High court in respect of above OP.Nos were already received by the office of Spl. Dy.Collector, L.A Unit, SRSP Hyderabad.

The accused, A24, in conspiracy with the other accused processed the files again on the basis of fake appellate judgments and facilitated payment of compensation twice to the claimants in the above cases.

66. In OP.NO.526/ 92 appeal was preferred by SDC, LMD, Karimnagar and it was disposed off confirming the judgment of lower court by the High Court of A.P. the file was processed and compensation was paid to the claimants. A24 suppressed the fact and again processed the file on the same judgment and forwarded the file to the Government and facilitated payment of compensation twice to the claimant causing loss to Government exchequer.

67. Thus, it is established that A24 conspired and connived with A1 and the other accused and facilitated the commission of the offence of cheating committed by the beneficiaries/accused causing financial loss of Rs.1,01,59,213/- to Government exchequer.

70. Earlier, compensation was paid in OP.Nos.574/ 82, 617/ 82 and 561/ 83 as per the judgment of the Hon'ble High Court enhancing the compensation. But, S Venakteswarlu (A26), Spl.Dy. Collector (de facto complainant) without verifying the earlier payments violated the directions of the Government while sanctioning the amount and got deposited the decretal amount again in the court in respect of the same OPs.

71. The accused S Venkateswarlu (A26) conspired and connived with Sarva Sankaraiah (A1) and other accused and facilitated the commission of the offence of cheating by the beneficiaries/ accused causing financial loss to the Government exchequer.

103. The investigation established that the beneficiaries/ A27 to A52 knowingly conspired and connived with SDCs (A12 to A14, A26), Spl.Collector(A17) and their staff (A2, A5, A6, A16, A22, A23, A24) court staff (A4, A7 to A9, A25) Government Pleader (A10) and advocates (A15, A18, A19 (expired) of Karimnagar and Hyderabad and filed applications making false declarations for the sanction of decretal amounts mentioned in the fake judgments without actually preferring appeals and withdrew the alleged compensation twice in the cases mentioned above.

106. The following are omissions and commissions made by the Spl.Dy. Collectors and their staff and Spl. Collector and his staff.

a) Processed proposals for release of compensation to the claimants basing on fake judgments even before Execution Petitions were filed, whereas the cases in which the E.Ps have been filed and attachment of Govt., property was ordered are kept pending without paying any amount.

b) They also mentioned fictitious date of filing appeal in the High Court in the cheque memo.

c) In three cases, i.e., OP.Nos.912/ 82, 971/ 82, 988/ 82, appeals were preferred by the LAO but no cross objections were filed by claimants. The appeals preferred by the LAO were dismissed by the High Court. But, fake judgments were inserted in these files showing that cross objections filed by the claimants were allowed. Thus they did not intentionally scrutinize the files before putting up proposals for sanction and depositing the money in the Court of Sr.Civil Judge, karimnagar.

d) Designedly failed to cross check their own records. When no appeals/ cross objections were filed, in connivance with the other accused, they did not point out the judgments/ decrees of the High Court being fake and thus paved way for defalcation of Govt. money by other accused/ beneficiaries.

e) Failed to notice and observe the fallacy of fake common judgments individual judgments of the same date of the same Hon'ble Judges of the High Court.

f) Processed some of the O.Ps stating that the files were traced from record room. The accused have knowledge of the fake judgements and intentionally processed them.

110. A1 to A10, A12 to A14, A16, A17, A20 to A26 being Government servants/ public servants have abused/ misused their official position and caused huge loss to the Government Exchequer resulting in pecuniary advantage to the accused/ beneficiaries without public interest which amounts to misconduct and

committed an offence punishable under Section 13(1)(d) of Prevention of Corruption Act, 1988.

111.(d) M.A. Majeed (A12), V. Venkateshwar Rao (A13), C. Maruthi Rao (A14), P. Ramakrishna (A16), Dr.P.Laxminarayana (A17), P. Rama Rao (A22), G. Janardhan Rao (A23), J.T.Amarnath (A24), have committed offences punishable under Section 120(B), 201, 466, 468, 471 & 420 read with Sec.109 IPC, Section 13(1)(d)(ii) of P.C.Act, 1988.

The Spl.Dy.Collector, Mr. M. Narasimhulu (A53) and his staff deposited the same in the Hon'ble II Addl. District Session Court Karimnagar on 06.03.2004 without verifying their records in OP.No.985/ 82, AS.No.206/ 87 corresponding to OS.No.49/ 77 of Krishna District. But without any appeal, either of the party without verifying the records has deposited the amount of Rs.6,65047/- in OP.No.661/ 83 which was processed and forwarded to Spl.Collector, SRSP, Tarnaka, Hyderabad from Spl.Collector, file sent to Government for sanction of decretal charges. But in view of news item published in the Eenadu daily news paper Government stopped the processing of the file.

A53, A54 & A55 conspired and connived with A6 and other accused and caused huge financial loss of RS.1,20,72,344/- to Government Ex-chequer and they have committed offences punishable under Section 120(B), 201, 466, 468, 471, 420 read with 109 IPC and 13(1)(d) (ii) of the PC Act.

12. Be it also noted that A26 on the directions of the Government filed a report/complaint with the police and that report set the criminal law into motion. It is discernable from the facts, submissions and material record that land of a total extent of 1892.17 guntas and 200 houses situated in Hasnapur village of Karimnagar Mandal and District were acquired in the years 1977 to 1982 and in all eight awards were passed by the then LAO determining the market values @ Rs.1,320/- to Rs.2,920/- for the acquired dry and wet lands and that in certain of the matters, in which the beneficiaries whose lands were acquired were not satisfied with the compensation determined, references were made to the civil Court and that the compensation was enhanced in some of the cases depending upon the classification and nature of the lands and that in some cases, compensation was determined at Rs.3,500/- to Rs.5,000/- or Rs.7,500/- and that in certain matters compensation was enhanced to Rs.85,000/- per acre and that the Supreme Court eventually fixed the compensation at Rs.25,000/- per acre in those cases and that later the High

Court in some similar cases fixed the compensation @ Rs.25,000/- per acre. It is also borne out by record that 29 judgments and decrees were forged as if such judgments were rendered and decrees were granted by the High Court. Under the said forged judgments and decrees it was shown as if compensation was enhanced by the High Court. The fake judgments and decrees were introduced into case files of Land acquisition officials to facilitate release of necessary funds from the Government and for deposit of the same to the credit of Civil Court deposits as and when such funds are released.' It is also borne out by record that fake judgments and decrees were inserted in 26 OP records of Senior Civil Court to facilitate the beneficiaries to withdraw the amounts deposited to the credit of respective OPs by filing cheque petitions. Eventually, on the processing and clearing of the files by officers concerned, Government deposited more than rupees three Crores to the credit of civil Court deposits for satisfying the claims under the fake judgments & orders and decrees. Through the cheque petitions filed by the beneficiaries, the said amounts were allowed to be withdrawn. Thus, on account of the creation of fake judgments & orders and decrees and introduction of the same in the records of the land acquisition offices and of the senior Civil Court, Government was made to deposit amounts illegally to the credit of civil court deposits and such deposited amounts were allowed to be withdrawn by the beneficiaries on the basis of such fake judgments & orders and decrees. In some cases, on the basis of fake judgments & orders and decrees, opinions were obtained from the learned Government Pleaders and even the learned Advocate General, to the effect that the cases are not fit cases to prefer appeals. While processing the files, petitioners/ accused herein intentionally failed to detect the fake judgments even though they contained embossed seal of the High Court and stamp of copyist department despite the fact that original judgments only contain the embossed seal but not the certified copy and that the certified copies contain the stamp and details of delivery. Even

before the execution petitions were filed, the compensation claims of the beneficiaries in these cases based on fake judgments/ orders/ decrees were processed and proposals were made for release of compensation to the beneficiaries basing on the fake judgments/ orders/ decrees and funds were eventually received from the Government for payment to such beneficiaries. The petitioners failed to cross check their own records as to whether appeals or cross objections are filed though in three cases viz., OP.Nos.912/ 82, 971/ 82, 988/ 82, it was falsely mentioned that cross objections were filed by claimants while in fact no such cross objections were filed in the appeals preferred by the LAO and the appeals preferred by the LAO were dismissed confirming the orders of the civil Court. The petitioners intentionally processed the files though they have knowledge of the fake judgments.'

13. Thus a plain perusal and bare consideration of the above and other contents of the charge sheet, the supporting and the other material on record, discloses that A1 created and brought into existence some fake appellate judgments or orders/ decrees of the High Court against the judgments in the matters on the file of the Senior Civil Court, Karimnagar, by using his official typewriter and with the help of A3, who worked as Attender in the High Court and who affixed rubber stamps and embossed seals on the fake judgments/ orders and decrees of the High Court, and in conspiracy with A2, another Attender, who got inserted the fake appellate judgments/ orders and decrees in the files of Office of the Special Deputy Collector, Land Acquisition Unit, LMD, Karimnagar, and in conspiracy with A5, who worked by then as a Senior Assistant in the Office of the Special Deputy Collector and who got processed the files pertaining to land acquisition cases; and, thereafter, with the help of A4, who worked as a Record Assistant in the Senior Civil Court, Karimnagar, got inserted the fake appellate judgments/ decrees in the records of the OPs on the file of the said Court; later, with the help of A7, Superintendent in the Office of Senior Civil Court got endorsed false notings on

the cheque petitions. All the acts were done having conspired and connived with the other accused, that is, A2, A5, A6, A12, A13, A14, A16, A17, A22, A23, A24 and A26, who worked in the department of revenue, and A4, A7 to A9, A10, A20, A21, A25, who are the staff concerned of the Court and A27 to A52 the beneficiaries and others and caused financial loss to the Government by facilitating payment of more compensation amounts than are actually due and payment of compensation amounts twice in some cases. It was alleged in the charge sheet that A1 committed offences punishable under Sections 409, 419, 420, 468, 471, 201 read with 120(B) of IPC and Section 13(1)(d)(ii) of the PC Act. A2 committed offences punishable under Sections 466, 468, 471, 420 read with 120(B) of IPC. A4, A7, A8, A9 and A25 committed offences punishable under Sections 120(B), 201, 466, 468, 471 & 420 IPC read with 109 IPC and Section 13(1)(d)(ii) of the P.C.Act. A12, A13, A4, A16, A17, A22, A23, A24 committed offences punishable under Sections 120(B), 201, 466, 468, 471 & 420 read with Section 109 IPC and Section 13(1)(d)(ii) of the P.C.Act. A15 committed offences punishable under Sections 120(B), 471, 201 and 420 read with 109 IPC. A18 committed offences punishable under Section 120(B), 471, 201, 419 and 420 read with 109 IPC. A5 committed offences punishable under Sections 466, 468, 471, 201, 120(B) & 420 read with 109 IPC & Section 13(1)(d)(ii) of the P.C.Act. A10 committed offences punishable under Sections 120(B), 466, 468, 471, 420 read with 109 IPC and Section 13(1)(d)(ii) of the P.C.,Act. A11, brother of A1, committed offences punishable under Sections 420 and 120(B) of IPC. A27 to A52, beneficiaries, committed offences punishable under Sections 120(B), 471 and 420 of IPC. A53 to A55 committed offences punishable under Sections 120(B), 201, 466, 468, 471, 420 read with 109 IPC and 13(1)(d)(ii) of PC Act.

14. If the said first contention is examined in the light of the contents of the charge sheet and the entire supporting material, neither the first contention nor the other contentions of the petitioners herein which are already referred

to supra do not merit consideration in the light of the following settled undisputed legal position: 'Section 239 Cr.P.C reads as under: - "When accused shall be discharged: If, upon considering the police report and the documents sent with it under Section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing." Section 227 Cr.P.C., reads as under: - 'Discharge: - If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.' Thus, a charge can be framed against an accused in a case where the prosecution has placed on record sufficient evidence to show a prima facie case against him/her under a particular provision of law. In case the prosecution fails in its primary duty to show a prima facie case to proceed against the accused i.e., when the Court comes to the conclusion that there is no sufficient ground to proceed against the accused, he/ she shall be discharged forthwith under Section 227 Cr.P.C. It is a well settled principle of Criminal Jurisprudence that a Court would not require the prosecution to prove its case beyond any shadow of doubt at the time of framing of the charge as it is required to do so only at the time of conclusion of its case in order to bring home the guilt of the accused. At the stage of framing of charge, the prosecution is under an obligation to place only that much of material against the accused which may be sufficient enough in the circumstances of a given case to draw a presumption that the accused has committed an offence. Further, in *Niranjan Singh Karam Singh Punjabi v. Jitendra Bhimraj Bijja and others* [1990 Cri L.J. 1869], the Supreme Court held as follows: "From the above discussion it seems well settled that at the Section

227-228 stage the Court is required to evaluate the material and documents on record with a view to finding out if the facts emerging there from taken at their face value disclose the existence of all the ingredients Constituting the alleged offence. The Court may for this limited purpose sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case." In *Union of India v. Prafulla Kumar Samal and another* [1979CriLJ154], the Supreme Court held as follows: "The Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. Where the materials placed before the Court disclose grave suspicion against the accused, which has not been properly explained, the Court will be fully justified in framing a charge and proceeding with the trial. The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused. In exercising his jurisdiction under Section 227 the Judge which under the present Code is a senior and experienced Judge cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."

15. Further, in view of the following aspects there is no need to dilate further on the various contentions of the petitioners-accused herein including

the contention that they have nothing to do with any of the alleged criminal acts constituting the criminal elements of the offences alleged against them and their further contention that at best they are only negligent in discharging their duties. In the common order of the High Court in Crl.P.No.7821 of 2007 and batch Article 5 of the A.P. Finance Code was referred to. The Supreme Court in its order, dated 25.07.2012, in Crl.A.No.1114 of 2012, also referred to the said Article, which reads as under:

‘Every Government servant should see that proper accounts are maintained for all Government financial transactions with which he is concerned and render accurately and promptly all such accounts and returns relating to them as may have been prescribed by the Government, the Accountant-General or the competent departmental authorities. He should check the accounts as frequently as possible in order to see that his subordinates do not commit fraud, misappropriation or any other irregularity. The Government will hold him personally responsible for any loss that may be found to be due to any neglect of the duties laid upon him by the provisions of this code and the other Financial Codes issued by the Government(See also chapter XII). The fact that a Government servant has been misled or deceived by a subordinate will in no way mitigate his personal responsibility since every Government servant should be familiar with the financial rules laid down by the Government and exercise a specially strict and close control over his subordinates, in regard to the use of public funds and the maintenance of proper accounts.’

The High Court in the order discharging petitioner-A13 also held as follows:

‘Though, at best, it can be said that A13 has violated Article 5 of the Finance Code, because even if the subordinate staff deceived him it will no way mitigate his personal responsibility but that does not mean that he can be prosecuted for the offences under the Indian Penal Code.’ While not accepting the said findings and while setting aside the orders of the High Court discharging A13, the Supreme Court in Crl.A.No.1114 of 2012 filed by the State held that the High Court was not justified in interfering with the proceedings. Therefore, the contentions based on Spl.Collector’s report also do not advance the case of the petitioners-accused herein for their discharge.

16. Further, the case of the present accused is more or less on the same footing as that of A13-Special Deputy Collector, who held additional charge of Karimnagar at the relevant time. The Supreme Court, while setting aside the order of this Court discharging A13, considered all his contentions, which are akin to the contentions of the present petitioners/ accused herein, and directed him-A13 to face trial for the reason that such contentions as were raised by the said accused and as are being raised by the present petitioners/ accused cannot be justifiably considered while dealing with petitions either under Section 482 or Section 239 of the Code. Accordingly, having regard to the findings of the Supreme Court in the order made against A13, this Court finds that there is no merit in any of the contentions of the accused herein/ petitioners in this batch of criminal revision cases.

17. The next contention is that the alleged criminal acts done by the petitioners-accused herein are similar to those alleged against the judicial officers-A20 & A21, and since the said judicial officers were discharged, the petitioners-accused herein are also entitled to the same relief. Learned Public Prosecutor on instructions submitted that appeals were preferred against orders of this Court discharging the Judicial Officers and the same were not yet registered. If that be so, there is no need to advert to this contention of the petitioners/ accused herein. Be it noted that A13, Special Deputy Collector, was also discharged vide common order of this Court whereby the judicial officers were discharged. The Supreme Court, however, admittedly set aside the order of discharge insofar as A13 is concerned by allowing the criminal appeal (Crl.A.No.1114 of 2012) of the State. This Court, on examination of the record, already noted that the case of the present petitioners-accused stand *prima facie* more or less on the same footing as that of A13 and their cases *prima facie* are not comparable to those of the judicial officers, who are discharged by earlier orders of this Court. Learned Public Prosecutor also would bring to the notice of the Court that not only fake judgments/ orders and

decrees were pressed into service but also basing on the same the process was initiated and amounts were got released from the Government and deposits were made into Court to the credit of various OPs by apportioning the budget even though no execution petitions are filed and that within a short time thereafter, the cheque petitions were filed and amounts were got credited to the accounts of the beneficiaries. He would next submit that the said facts lay bare the conspiracy and connivance and that there is sufficient material to safely conclude that there is a strong case for framing charges and proceeding against all the accused and that the contentions of the petitioners-accused need no countenance at this stage.

18. Further, as held by the Supreme Court, if this Court is to consider the contentions of the petitioners herein in detail, this Court would be clutching at the jurisdiction of the trial Court. It is also apt to note *infra*, the decision in *Suresh Chandra Bahri v. State of Bihar* [1995 (Supp) 1 SCC 80], which was referred to with approval in the afore-stated order of the Supreme Court.

‘In other words, where the conspiracy alleged is with regard to commission of a serious crime of the nature as contemplated in Section 120-B read with the proviso to sub-section (2) of Section 120-A of the IPC, then in that event mere proof of an agreement between the accused for commission of such a crime alone is enough to bring about a conviction under Section 120-B and the proof of any overt act by the accused or by any one of them would not be necessary. The provisions in such a situation do not require that each and every person who is a party to the conspiracy must do some overt act towards the fulfilment of the object of conspiracy, the essential ingredient being an agreement between the conspirators to commit the crime and if these requirements and ingredients are established the act would fall within the trapping of the provisions contained in Section 120-B since from its very nature a conspiracy must be conceived and hatched in complete secrecy, because otherwise the whole purpose may be frustrated and it is common experience and goes without saying that only in very rare cases one may come across direct evidence of a criminal conspiracy to commit any crime and in most of the cases it is only the circumstantial evidence which is available from which an inference giving rise to the conclusion of an agreement between two or more persons to commit an offence may be legitimately drawn.’

Therefore, it is premature for this Court to record any finding on the existence of or otherwise of criminal conspiracy amongst the accused including the petitioners-accused herein who are also said to be parties to such conspiracy and suffice it to say that the present cases are not fit cases to invoke the jurisdiction at this stage and discharge the petitioners-accused herein.

19. It is to be now noted that A13 is also one of the petitioners herein. As already noted, his request for quashing the proceedings against him though allowed by this Court was rejected by the Supreme Court *vide* orders, dated 25.07.2012, in Crl.A.No.1114 of 2012 preferred by the State as already noted. Now he seeks discharge. In the considered view of this Court, for all the above reasons and the observations in the order of the Supreme Court referred to supra, the request of A13 is misconceived and is liable to be dismissed on that ground also.

20. Insofar as A26, who is also one of the petitioners herein, one of his contentions also is that on his report only the criminal law was set into motion and that he was falsely implicated though he was not involved either in the conspiracy or in other subsequent acts. He would also contend that he is innocent and that he lodged a report, which set the criminal law into motion, would indicate that he is not a party to the conspiracy and that he did not connive with the other accused. This contention need not be countenanced, as, as already noted there is sufficient material showing his complicity *prima facie* and as no sufficient grounds, which merit consideration at this stage, were made out.

21. Insofar as A53, who is also one of the petitioners in this batch of cases, it is to be noted that he contended that he joined as Spl.Dy.Collector in Karimnagar, on 16.12.2003 and worked upto 31.08.2004 and that all the proposals and sanction of the amount by the concerned officers of the Government were made prior to his joining the said office at Karimnagar and as

such he is not responsible for the alleged fraud and that therefore on that sole ground he is entitled to be discharged. On this aspect, learned Public Prosecutor would submit that an additional charge sheet was filed after further investigation as further investigation revealed complicity of A53 to A55. He would also point out from the additional charge sheet that the Spl.Dy.Collector, L.A., L.M.D., Karimnagar, and their staff in connivance with the other accused suppressed the earlier payment and processed a file and got the money in a sum of Rs.12,65,624/- sanctioned from the Government and that the Government issued G.O.Rt.No.783, dated 22.10.2003, clearly mentioning that the Spl.Collector, ~~SRSP~~ & AMPR, Tarnaka, is directed to deposit the above sanctioned decretal amount into Court concerned after thorough verification and conclusion made by the LAO, once again at his level and also after verification of earlier payment, if already paid, but, A53 and his staff deposited the sum of Rs.6,65,047/- on 06.03.2004, without verifying their records and that there is ample evidence on record showing a strong case and the complicity of A53 as well.

22. Further, there is no need at this stage to form an opinion that petitioners-accused herein are certainly guilty of the offences alleged against them. This Court examined the issue involved, keeping in view the limited scope of interference and the restricted ambit of jurisdiction and also the afore-sated precedential guidance and the decision in *State of Rajasthan v. Fatehkaran Mehdu*¹. On consideration of the broad probabilities of the case, the total effect of evidence including the documents produced before the Court and in the absence of any basic infirmities in the case warranting acceptance of the request of the petitioners-accused and also in view of the limited scope of jurisdiction, which vests with the Court, it is noticeable that

¹ 2017 (1) ALD (Crl) 842 (SC)

this is a case where a final adjudication of the proposed charge/ s against the petitioners-accused herein has to be made only after oral and documentary evidence is adduced in a full-fledged trial.

23. It is necessary to mention that the learned senior counsel for the petitioners-accused herein placed reliance on the following decisions:

i. Chittaranjan Shetty v. State by CBI² is relied upon on the aspects of the essential ingredients which are required to be proved in respect of offences under the PC Act which are alleged against the accused-public servants and the requirement of dishonest intention on the part of the accused while committing the alleged acts. This decision is also relied in support of the proposition that the abuse of position must involve dishonest intention and that otherwise the ingredients and elements of offences under the PC Act do not get attracted.

ii. CBI v. K. Narayana Rao³ & State of Karnataka v. L. Muniswamy and others⁴ are relied upon to enlighten on the powers of the High Court and its inherent powers while dealing with applications filed under Section 482 of the Code requesting to quash the proceedings pending before the Court of Session/ Special Court. Placing reliance on these decisions it is urged that for the purpose of determining whether there is sufficient ground for proceeding against an accused, the Court possesses a comparatively wider discretion and that in the exercise of the said discretion the Court can determine the question whether the material on record, if unrebutted, is such on the basis of which a conviction can be said to be reasonably possible. It is also submitted that though a roving enquiry is not needed, however, it is the duty of the Court to find out whether there is *prima facie* material against the persons who are charged with various offences under the penal laws.

² (2015)15 SCC 569

³ (2012)9 SCC 512

⁴ (1977) 2 SCC 699

iii. Bhagwan Swarup Lal Bishan Lal v. the State of Maharashtra⁵, Mohd.Hussain Umar Kochra etc. v. K.S.DalipSinghji and another⁶ and Yogesh @ Sachin Jagdish Joshi v. State of Maharashtra⁷ are relied upon on the aspect of mode of proof of conspiracy and the ingredients of the said offence which are required to be established. Placing reliance on these decisions, it is submitted that the provision under Section 120(A) of IPC shall not be invoked unless there is reasonable ground to believe and there is *prima facie* evidence that a person is party to a conspiracy. Placing reliance on the decision in Mohd.Hussain's case (6 supra), it is urged that in order to constitute a single general conspiracy there must be a common design and a common intention of all to work in furtherance of the common design and that in such conspiracy each conspirator plays his separate part in one integrated and united effort to achieve the common purpose and that each one is aware that he has a part to play in general conspiracy though he may not know all its secrets or the means by which the common purpose is to be accomplished and that in view of the above legal position, it cannot be said that the evidence collected during investigation is sufficient to establish that the present petitioners conspired with A1 and other accused. In Bhagwan Swarup Lal Bishan Lal (5 supra) the section of law was analysed as follows: -

'In short, the section can be analysed as follows: (1) There shall be a *prima facie* evidence affording a reasonable ground for a Court to believe that two or more persons are members of a conspiracy; (2) if the said condition is fulfilled, anything said, done or written by any one of them in reference to their common intention will be evidence against the other; (3) anything said, done or written by him should have been said, done or written by him after the intention was formed by any one of them; (4) it would also be relevant for the said purpose against another who entered the conspiracy whether it was said, done or written before he entered the conspiracy or after he

⁵ AIR 1965 SC 682

⁶ AIR 1990 SC 45

⁷ AIR 2008 SC 2991

left it; and (5) it can only be used against a co-conspirator and not in his favour.'

Be it noted that in view of the decision of the Supreme Court in the Criminal Appeal of the State related to A13 in the instant case and the decision of the Supreme Court in Suresh Chandra Bahri's case, there is no need to further dilate on the legal position since the legal position insofar as it related to the accused in the present case is already emphasised by the Supreme Court in the orders passed in the said criminal appeal of the State.

24. On the above analysis and for the reasons assigned supra, this Court finds that the request of the petitioners-accused herein does not merit consideration and that the orders of the learned Special Judge, which are sustainable, brook no interference.

25. In the result, the Criminal Revision Cases are dismissed. It is needless to state that this Court has not expressed any opinion on the merits of the matter and this order shall not prevent the petitioners-accused herein from urging all such grounds as are open to them under facts and in law at the time of hearing on charges or at any later stages of the trial of the case.

Miscellaneous petitions pending, if any, in these revision cases shall stand closed.

19.09.2017
Vjl

M. SEETHARAMA MURTI, J