

SMT.JUSTICE T.RAJANI

CRIMINAL PETITION No.1428 OF 2011

ORDER:

This petition is filed to quash the orders in CrI.R.P.No.67 of 2009, dated 13.01.2011, on the file of the Principal Sessions Judge, Nalgonda, by virtue of which the revision petition was dismissed by confirming the orders in CrI.M.P.No.263 of 2008 in C.C.No.169 of 2007 on the file of Judicial First Class Magistrate, Nakrekal.

2. Heard the counsel for the petitioner and the public prosecutor, appearing for the 1st respondent.

3. The petition in which the impugned order was passed, is filed under Section 239 Cr.P.C. seeking for discharge of petitioner from the case. The facts of the case are that the petitioner is an advocate who appeared on behalf of the accused by name Manjith Singh in C.C.No.255 of 2002 and the accused failed to appear in the case and on 07.08.2003, the petitioner filed a death certificate by stating it to be that of said Manjith Singh, along with memo, said to have been issued by Ludiyana Municipal Corporation and on verification of the said death certificate, it was found to be a fake document and considering that the petitioner himself presented the said document, necessary action was directed to be taken by the police. Against the order of the Judicial

First Class Magistrate, Nakrekal, dismissing the discharge petition, a revision was preferred before the Principal Sessions Judge, Nalgonda and the same was dismissed confirming the order of the lower court. It is seeking for quash of the said order that the petitioner approached this Court.

4. The counsel for the petitioner submits that the petitioner has no role in manipulating the death certificate as he received the death certificate from the party and believing the same to be true, he filed it in the court. The counsel also filed postal receipt showing that the death certificate was sent by son of Manjith Singh. Hence, *prima facie*, it appears that the petitioner does not have any role to play in getting the fake death certificate. It is only on the basis that no postal cover is filed, that the petition was dismissed and the said receipts are filed evidencing the postal transaction.

5. Hence, this Court opines that the further proceedings against this petitioner would only result in abuse of process of law, hence, the further proceedings are quashed against the petitioner.

6. Accordingly, this criminal petition is allowed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

T.RAJANI, J

04.12.2017
SS