

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.9004 of 2011

ORDER:

1. This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against her in FIR No.1012 of 2004, dated 10.9.2004 on the file of the Station House Officer, Punjagutta Police Station.

2. The contention of the petitioner is that she is the victim at the hands of the culprits and the department has shown her as accused in the FIR and that there is no evidence to the effect that the petitioner fabricated the certificate or forged and that the pensionary benefits for seven years are withheld under the guise of pendency of criminal case.

3. On the other hand, the learned Public Prosecutor contended that because of the stay orders, the investigation could not be completed and that there is prima facie material to proceed against the petitioner.

4. A perusal of the record goes to suggest that the petitioner-Maria Bombina Joseph submitted certificate of B.A degree issued by Kiran Academy for promotion to the next cadre, and the enquiry into the said allegation was conducted and the enquiry officer in his report stated that it is clearly established and proved that Smt. Maria Bombina Joseph has produced bogus BA certificate and memorandum of marks with an intention to get the promotion to the next cadre, and the Vigilance report has also clearly established the same. In view of the fact that basing on the said certificate, she was promoted as Personnel Officer in the year 2004, she was reverted back on 23.8.2004 after noticing that her certificate was false. There is prima facie material to prosecute the

petitioner. I do not find any grounds to quash the proceedings against the petitioner in the above crime.

5. Accordingly, the Criminal Petition is dismissed. Consequently, interim stay granted on 27.9.2011 in CrI.M.P.No.9799 of 2011 is vacated and the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N. BALAYOGI

Date: 11th October, 2017
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