

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.R.C. No.2977 OF 2017

JUDGMENT:

The revision petitioner herein preferred the present Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973, questioning the order, dated 12.10.2017, passed in Crl.M.P. No.569 of 2017 in Crime No.406 of 2016 by the learned Judicial Magistrate of First Class, Adilabad.

2. The aforesaid Crl.M.P. was filed by the State of Telangana through Station House Officer, Mavala/Adilabad - II Town Police Station, requesting to issue summons to both the accused persons to collect their signatures and thumb impressions for the purpose of sending to the hand-writing expert for comparison with the signatures on the agreement executed by them.

3. Heard Sri K. Uday Kumar, learned counsel representing Sri S. Surender Reddy, learned counsel for the revision petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the revision petitioner would submit that neither provision of law is made, nor there is any case to proceed with the investigation against the petitioners for the reason they did not dispute about making signatures in the agreement, but it is a civil dispute which has to be resolved by approaching a Civil Court, and also would submit that the police themselves have taken the signatures of the petitioners on the stamped papers forcibly.

5. The learned Magistrate having referred to the fact-situation where the revision petitioners - accused Nos.1 and 2 alleged to have collected the amounts from the complainant on the pretext of allotting plots, but neither plots were shown, nor returned the amounts, and basing on the said complaint, the investigation was initiated, and in the process and as part of investigation, the said requisition was made.

6. It is no doubt true, no provision of law is quoted, but at the crime stage, such a request was made. That has been the reason why the provision of law is not made. For conducting proper investigation so as to arrive at right opinion, certainly, when such a request is made, it cannot be refused, and that was the reason why the learned Magistrate has acceded to the request and allowed the petition. Therefore, the finding of the learned Magistrate is not infirm, nor there is any patent illegality to interfere with the order passed by the learned Magistrate. There is no merit in the present Criminal Revision Case.

7. The present Criminal Revision Case is, accordingly dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

November 22, 2017.
Mgr