

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3160 OF 2017

JUDGMENT:

The present Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'code'), is preferred questioning the conviction recorded under Section 248(2) of the Code, by the learned Additional Judicial Magistrate of First Class, Miryalguda, for the offences punishable under Sections 177 and 199 of Indian Penal Code, 1860 (for short 'IPC'), and the sentence to pay a fine of Rs.1,000/- for the offence punishable under Section 177 of IPC with default sentence to undergo simple imprisonment for a period of six (6) months, and the sentence of simple imprisonment for a period of six (6) months and also to pay a fine of Rs.1,000/- for the offence punishable under Section 199 IPC with default sentence to undergo simple imprisonment for a period of two months, by the judgment dated 24.10.2016 in C.C. No.1115 of 2011, which was affirmed by the learned VIII Additional Sessions Judge, Miryalaguda, by the judgment dated 01.12.2017 in Criminal Appeal No.180 of 2016.

2. Heard Sri M. Saleem, learned counsel for the revision petitioner - appellant - accused, and the learned Additional Special Public Prosecutor for the State of Telangana, and perused the material on record.

3. The learned Magistrate examined PWs.1 and 2 and marked Exs.P-1 to P-10. PW.1 is Superintendent of one of the local Magistrates' Courts. PW.2 is Medical Officer i.e., Civil Assistant Surgeon, working in Government Hospital.

4. Substantially, the charge is that a false certificate was filed by the revision petitioner intending to represent her husband, who was ailing, in a civil suit in O.S. No.158 of 2004 pending on the file of Senior Civil Judge, Miryalaguda. The Doctor, PW.2, asserted that the certificate marked as Ex.P-6, which is photostat copy of the medical certificate, was not issued by the hospital and, in fact, it was found by the learned Magistrate that there has been fabrication of the document, and having found that the prosecution could prove the offences alleged, inflicted the aforesaid sentences and fine. The learned lower appellate Judge having also examined the evidence on record independently and relying on the decision in **Mohan Singh v. Late Amar Singh** [AIR 1999 SC 482], found that the revision petitioner did not furnish true information, but gave false information by producing false information, and thereby, confirmed the conviction as well as the sentence imposed by the trial Court.

5. The learned counsel for the revision petitioner would submit that the revision petitioner is a woman, and, in fact, the Courts below ought not to have believed the evidence of the medical officer as there

have been certain contradictions. Of course, nothing is to be found in the evidence of PWs.1 and 2 or any contradictions.

6. The findings recorded by the Courts below cannot be viewed as patently illegal. When once the medical officer's evidence is forthcoming stating that the certificate of the nature filed by the revision petitioner was not issued by the Medical Board, nothing more is required to probe except accepting the findings recorded that the prosecution has proved the guilt of the revision petitioner beyond reasonable doubt, more so, when PW.1, Superintendent of the Court, is not an interested person in securing conviction. But, the question is whether the sentence of imprisonment of six months inflicted on the revision petitioner can be maintained.

7. The petitioner is a woman. It appears that somebody prompted her to file such a certificate. The person behind it, is not coming out and appears to be behind the curtain. Unless there was some able advice, it may be difficult for the revision petitioner to come up with a fabricated document. The revision petitioner has been committed to the prison on 01.12.2017 pursuant to the warrant of committal issued by the lower appellate Court. The period of imprisonment of eight (8) days would be sufficient for her to understand the consequences of filing a false certificate.

8. Therefore, the present Criminal Revision Case is dismissed, at the admission stage itself, confirming the conviction recorded and the fine imposed against the revision petitioner - accused viz., Mohd. Shameem Sulthana, by the learned Additional Judicial Magistrate of First Class, Miryalguda, in C.C. No.1115 of 2011 as affirmed by the learned VIII Additional Sessions Judge, Miryalguda in Criminal Appeal No.180 of 2016, for the offences punishable under Sections 177 and 199 of the Indian Penal Code, 1860, however, the sentence of six (6) months simple imprisonment, inflicted for the offence punishable under Section 199 of Indian Penal Code, 1860, alone is modified to that of the period she has already undergone till date, while maintaining the fine amounts imposed under each count with default sentence. The revision petitioner shall be released forthwith if she is not required in any other case.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand closed.

A. SHANKAR NARAYANA, J

December 8, 2017.

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