

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.20417 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home, apart from perusing the entire material available on record.

When the matter is taken up, written instructions, dated 27.06.2017, furnished by the Sub Inspector of Police, Osmania University Police Station, Hyderabad, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, are as under:

"It is submitted that, Crime No. 174/2003 u/s 471, 420, 419, 120 (b) r/w 34 IPC was registered with PS Osmania University, Hyderabad based on the complaint lodged by one B. Sampath Kumiar. The complainant has made allegation that his late father B. Chandrasekhar Rao's signatures have been forged by the accused persons Arun Kumar, Aravind Kumar, Satyanarayana and Sobhanadri with criminal conspiracy and presented those documents before the Civil Court and obtained decree in their favour and thereafter, compelled to execute Sale Deed pertains to property bearing No. 12-13-121 to 124 admeasuring 360 sq.yds. containing Ground + first floor.

It is submitted that, in the course of investigation in the above Crime, in order to compare the disputed signatures alleged to have been forged by the accused persons, admitted signatures are required since the complainant's father B. Chandrasekhar had stated to have made signatures in Telugu. In the course of investigation, when examined A-3 AV Satyanarayana, he stated that his father-in-law has executed a Settlement Deed bearing No.1890/1992 before the

Sub-Registrar, Maredpally Hyderabad in favour of his daughter Smt.K.Bhagyalaxmi. The investigation further revealed that the said Settlement Deed was mortgaged with Kotak Mahindra Bank Limited for availing loan facility and which became NPA, over which the bank has already obtained Decree for taking the custody of the property.

It is submitted that, in order to conduct investigation in the case, and for marking the admitted signatures to the department of Forensic Science Laboratory, a Notice u/s 91/160 Cr.P.C. dated 21.7.2012 to the Petitioner Bank requesting to furnish the original settlement deed bearing Document No 1890/1992 for the purpose of investigation.

In response to the said notice dated 21.7.2012, the Petitioner Bank through letter dated 24.8.2012 furnished the original Settlement Deed bearing No. 1890/1992 to the then S.I. of Police, Osmania University Police Station, Hyderabad.

It is submitted that the Original Settlement Deed bearing No.1890/1992 and certain other documents were marked to A.P F.S.L. along with the letter of advice on 7-10-2015 by the Court of Hon'ble IV A.C.M.M. Nampally, Hyderabad vide File No.Doc.398/2015.

It is submitted that, the FSL after examining the issue in question, returned the documents including the Original Settlement Deed bearing No.1890/1992 to the Court Hon'ble A.C.M.M. Nampally, Hyderabad on 18-2-2016.

It is submitted that since 18-2.2016 the Original Settlement Deed bearing 1890/1992 is in the Court of Hon'ble A.C.M.M. Nampally, Hyderabad”.

While referring to the said instructions, it is submitted by the learned Government Pleader that, since the subject document is in the custody of the learned Magistrate, it is open for the petitioner herein to make an appropriate application, under Section 457 Cr.P.C., for consideration by the learned

Magistrate, having regard to the provisions of Section 457 Cr.P.C.

Accordingly, by placing on record the above said instructions, Writ Petition is disposed of, leaving it open for the petitioner herein to make an appropriate application, under Section 457 Cr.P.C., before the learned Magistrate for passing appropriate orders. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

05th November, 2018

Note:

*Furnish C.C. of the order
within one week.*

*B/o
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A.V. SESA SAI, J

