THE HON'BLE SRI JUSTICE P.KESHAVA RAO

CRIMINAL REVISION CASE No.2230 OF 2011

ORDER:

Heard the learned counsel for the petitioner and learned Public Prosecutor appearing for the third respondent-State.

The present Criminal Revision Case is filed questioning the orders passed in Crl.M.P.No.516 of 2011 in C.C.No.426 of 2010, dated 17.06.2011 on the file of the Court of I Additional Judicial Magistrate of First Class, Khammam in dismissing the petition filed under Section 190(i)(B) of Cr.P.C. filed to include the names of respondents 1 and 2 herein as accused No.4 & 5 and take cognizance of offence against them.

The facts, in brief, are that the petitioner herein filed a private complaint against A.1 to A.5 including the respondents 1 and 2 herein, who are arrayed as A.4 & A.5, for the offence under Section 463, 464, 470, 420 r/w 34 I.P.C. on the file of the Court of I Additional Judicial First Class Magistrate, Khammam. It is the specific case of the petitioner herein that he is the administrator of Rekala Complex at Z.P.Centre, Khammam. The petitioner has been authorised to supervise the affairs of the above said complex by his brothers and sister-N.Saraswathamma as its administrator. They are all the co-owners of the said building. Some disputes arose between the petitioner and his sister-Smt.N.Saraswathamma. However, A.1, who is the son of Smt.N.Saraswathamma, with an intention to cause wrongful loss to the petitioner and to have wrongful gain to his mother, created a false document i.e. eSeva Municipal property Tax Receipt

No.1106000806, dated 25.11.2008 for Rs.4,670/- in the name of his mother for the said Rekala Complex in connivance with other accused. As far as respondents 1 and 2 herein are concerned, the specific allegation made against them is that without verifying the original copy of the same, it was signed by them certifying it to be a true copy. The said complaint was referred to the police under Section 156(3) of Cr.P.C. Pursuant thereto, a crime was registered vide F.I.R.No.33 of 2010 for the aforesaid offences. After completion of investigation, a charge sheet was filed only against A.1 to A.3 deleting the names of respondents 1 & 2 herein, against which, the petitioner filed Crl.M.P.No.516 of 2011 to implead the respondents 1 & 2 herein as A.4 & A.5. The said petition was dismissed by orders dated 17.06.2011. Aggrieved by the same, the present Criminal Revision Case is filed.

The learned counsel for the petitioner would contend that the allegations made against the respondents 1 and 2 herein can be decided only during the course of trial and though a *prima facie* case is made out, the names of respondents 1 and 2 have been deleted. In fact, the respondents 1 and 2 herein are responsible and knowing fully well that the property tax receipt is a fabricated one, intentionally countersigned on it and thereby they are party to the offence.

The learned Public Prosecutor appearing for the third respondent-State fairly conceded that from the contents of the charge sheet, no case is made out against the respondents 1 and 2 and sought to sustain the impugned order.

Having heard both the counsel and from the perusal of the material on record, except stating that the respondents 1 and 2, on production of the said property tax receipt, without verifying the original copy of the same, signed thereon certifying it to be a true copy, no other allegation is made. Even if the said allegation is taken into consideration, it will not amount to either forgery or cheating as contemplated under Section 465 or 420 I.P.C. Therefore, this Court does not fine any irregularity or illegality in the orders passed by the learned Magistrate in dismissing Crl.M.P.No.516 of 2011. As such there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

25th SEPTEMBER 2018.
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