

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.1296 OF 2006

ORDER:

This revision is filed by the petitioner-A2 under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 10.05.2006 in CrI.A.No.218 of 2004 on the file of the Special Judge for Economic Offences-cum-VIII Addl. Metropolitan Sessions Judge, Hyderabad, in confirming the conviction of the petitioner-accused for the offences punishable under Sections 420 and 471 IPC and sentencing him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for six months, recorded by the XXI Metropolitan Magistrate, Hyderabad, vide judgment, dated 28.06.2004 in C.C.No.187 of 1999.

2. Even though the matter is posted under the 'caption for dismissal', there is no representation on behalf of the petitioner. Under these circumstances, this revision can be disposed of on merits.

3. The petitioner-A2 has contended that the judgments passed by both the Courts below are contrary to law and evidence. Nothing was elicited in the evidence of prosecution witnesses to believe the case of the prosecution. The evidence of P.W.2 is not trust-worthy. The Court below ought to have relied on Ex.P14. P.W.2 involved in clandestine activity and the accused has falsely implicated in this case. The findings of the Courts below are not based on evidence and material available on record and ultimately, prayed to set aside the impugned judgment.

4. Learned Assistant Public Prosecutor representing the State opposed the same and contended that there is

ample evidence to bring the guilt of the accused. There is nothing to take a different view. There is no miscarriage of justice and ultimately, prayed to dismiss the revision.

5. It is evident from the ocular and documentary evidence placed before this Court that the petitioner, who is A2 had hatched criminal conspiracy with absconding A1 and other accused to cheat Indian Railways and came in possession of cheques belonging to Railways, indulged in clandestine activity and withdrew an amount of Rs.91,96,517-78. The prosecution has proved the same by leading cogent and convincing oral and documentary evidence. The Evidence of P.Ws. 1 to 5 had not shaken from the number of documents marked to show the accusation against the accused. The prosecution proved the case against the accused beyond all reasonable doubt. All the requirements of Sections 420 and 471 IPC were proved. Both the Courts below did not act on any inadmissible evidence. Both the Courts below rightly convicted and sentenced the accused for the offences referred above. There is no miscarriage of justice. There is nothing to take a different view. The revision is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed confirming the judgment, dated 10.05.2006 in CrI.A.No.218 of 2004 on the file of the Special Judge for Economic Offences-cum-VIII Addl. Metropolitan Sessions Judge, Hyderabad. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 25-04-2018.

Hsd

