

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO: 2021 OF 2013

ORDER :

This Criminal Petition is filed by the petitioner who is the complainant in Crime No. 54 of 2011 of CID Hyderabad, seeking to grant stay of all further proceedings in C.C.No. 510 of 2012 on the file of the Court of III-Additional Chief Metropolitan Magistrate, Vijayawada and to direct the Police to cause fresh investigation in Crime No. 54 of 2011 of CID Hyderabad.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the first respondent-State. None appears for the respondents 2 to 5 in spite of service of notice.

3. The Criminal Petition is filed seeking stay of further proceedings in C.C.No. 510 of 2012 and to order further investigation through C.B.I. The complaint was filed by the Deputy Superintendent of Police, C.I.D., on the basis of the complaint given by one Mr.P. Nagesh Kumar, Advocate, who is the petitioner herein, alleging that during his practice, he is informed by one Mr.P.Y. Kiran Kumar, Advocate, that Kondeti Raju, who is the second respondent has obtained fake Law degree certificate allegedly issued by Allahabad University and got enrolled himself in A.P. State Bar Council. He states that to his knowledge, respondent No.2 did not study law, and therefore, he

corresponded with the University of Allahabad regarding the genuineness of the certificate in which it was mentioned that the second respondent obtained first division from the University of Allahabad during the academic year 2006-2009. Since doubt persisted, he corresponded with the Deputy Registrar of the said University, who in turn replied to him by virtue of letter dated 06-011-2011, mentioning that the certificate of second respondent was not issued by their University and that it is a fake and false certificate. By virtue of letter dated 11-08-2011, it was informed that the certificate was not issued by the University of Allahabad. The second respondent started practice in law for the last six months in Vijayawada and hence, the complainant sought action by causing further investigation.

4. Now the contention of the petitioner's counsel is that charge sheet is filed, stating that A-5 has played the role in creating this fake certificate and he submits that A-5 died in the year 2007 while the offence pertains to the year 2010. But a perusal of the charge sheet would show that the petitioner is under misconception. The offences actually started from the year 2006 onwards. There is no specific allegation in the charge sheet stating that A-5 has supplied the certificates after the year 2007. It is only alleged that A-5 supplied the certificates previously. The word "previously" can be interpreted to mean, one year starting from the period 2006 to 2007. Hence, there does not seem to be any flaw in the investigation made by the Police. Hence, based on the

sole contention that A-5 died in the year 2007 and that the crime pertains to 2010, the contentions of the petitioner's counsel cannot be accepted, as they are found to be misconceived, in the light of the contents of the charge sheet. The petitioner gave the complaint, without mentioning the names of the culprits. It is only after investigation that the names of these accused came to light. The agony of the petitioner that further investigation would bring to light more persons, who are involved in such malpractices is appreciable, but that cannot form a basis for an order for further investigation. So far as this case is concerned, investigation seems to be thorough, as it has brought to light all the persons involved in the offence. Hence, this Court opines that there is absolutely no need for further investigation in this case.

5. Hence, this Criminal Petition is dismissed.

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition stand dismissed.

JUSTICE T. RAJANI

HONOURABLE SMT. JUSTICE T. RAJANI

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[RESULT :: D I S M I S S E D]



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