

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION NO.149 OF 2019

ORDER:

The petitioner is A1 among four or more accused in Cr.No.1027 of 2016, dated 30.08.2016 of SHO, L.B.Nagar, on the report of one Sri P.Srinivas, Deputy Director (Technical), Office of the Commissioner, ESD (Mee Seva), Hyderabad.

2. The sum and substance of the report in registration of the crime reads with reference to fake income certificate that 'Sushrut Hospital and Research Centre' through e-mail given a complaint on 22.08.2016 on two income certificates issued by the 'Mee Seva' centre which is running by the petitioner Sri K.Ravindranath on franchise, regarding certain irregularities and manipulation of income certificate by the online franchise SDP-VITT Sri K.Ravindranath (petitioner) and details of the two certificates referred supra furnished by APT online team or SDP-VITT certificate Surendar Kumar Gandhi second certificate fake also in the same name application number referred same approved date first one is 03.08.2016 and second one with no date mentioned and Mee Seva centre first one is SDP-TMSK, Malakpet, second one for fake certificate SDP-VITT, L.B.Nagar and stationery number is TS00AA86023787 for first one and TS00AA87680171 for second one and first one referred as approved by M.Vamshi Mohan, Tahsildar, Saidabad and second one fake one, none. In saying the second certificate is a manipulated one issued to the customer from the online franchise 'SDP-VITT' that damages reputation of ESD showing misuse of secured stationery and forgery of MRO

signature and not obtained permission from competent authority with malafide intention and there is authorization of Deputy Director (Technical) to lodge the complaint, thereby to take action from which the crime registered under Sections 420, 467 & 471 IPC. The police after investigation filed the charge sheet and the same was taken cognizance by the learned Magistrate by allotting calendar case no.1467/2017 (corrected from the original wrong number 1476 of 2017 as per orders of today in I.A.No.2 of 2019) in the charge sheet. With reference to the FIR what is mentioned of the Investigating Officer, LW8, is after recording statement of the de facto complainant as LW1 and Tahsildar, LW2 and another Tahsildar LW3 on 06.09.2016 apprehended A1 and there was a disclosure statement recorded in the presence of LWs 4 & 5 and proceeded to A2 along with A1, apprehended A2 near Konark diagnostic Center, Dilsukhanagar, Hyderabad, there he made a confession in the presence of self same mediators and proceeded to A3 along with them at Siri Communication (AP online), Malakpet and from A3, a confession recovered 'Potter Bulzer CPU and HP scanner of Siri Communications, Malakpet from the disclosure leading to seizure of the material objects and proceeded to A4 along with them and apprehended at his house and he also made a confession and they were brought to police station, arrested and submitted to judicial custody.

3. What all further stated is that the so called fake certificate sent to analysis and LW6 has given analysis report and ultimately concluded in filing the charge sheet from the above. A4 approached SDP-TMSK Malakpet and got income certificate for Rs.1.98 lakhs digitally signed by LW2-Tahsildar supra and as the Hospital authorities insisted income

below Rs.1 lakh certificate, A4 approached A3- Buchi Reddy and A3 fabricated fake income certificate for Rs.96,000/- in the name of A4 by forging the digital signature of LW3- Tahsildar, Amberpet and charged for that Rs.600 from A4 and the fake income certificate was printed on blank bar coded Mee-Seva certificate bearing No. referred supra (fake) by A3 which was taken from A2 by scanning and pasting the signatures of LW3-MRO supra of Amberpet and that of LW2- MRO of Saidabad. From the entire charge sheet, the entire allegations are against A2 to A4 of the Mee-Seva in creating a fake certificate that was obtained and made use with the assistance of A2, A3 by A4 so far as the petitioner A1, but for to say that he is running Mee- Seva on franchise there is no allegation of any of his specific role.

4. Even taken for argument sake from what the learned PP pointed out of, there is a confession of A1 as per the charge sheet in the presence of LWs 4 & 5 there is nothing to say that the confession leading to discovery on any fact to the extent admissible under Section 27 of the Indian Evidence Act and in the absence of which, same is hit by Section 25 totally inadmissible but for if at all for further investigation and it is not a case under progress of investigation as final charge report in the form of charge sheet already filed, LW2 even served failed to attend, suffice to say that portion of the so called it is clear before a Police Officer without any discovery of fact since hit by Section 25 from the Police final report and for that there is no material, there is no sustainable accusation on the face value of the Police final report against the

petitioner to charge for any offence.

5. Accordingly, in the result, the Criminal Petition is allowed by quashing the crime proceedings against the petitioner-A1.

6. Miscellaneous petitions if any, pending in this petition, shall stand closed.

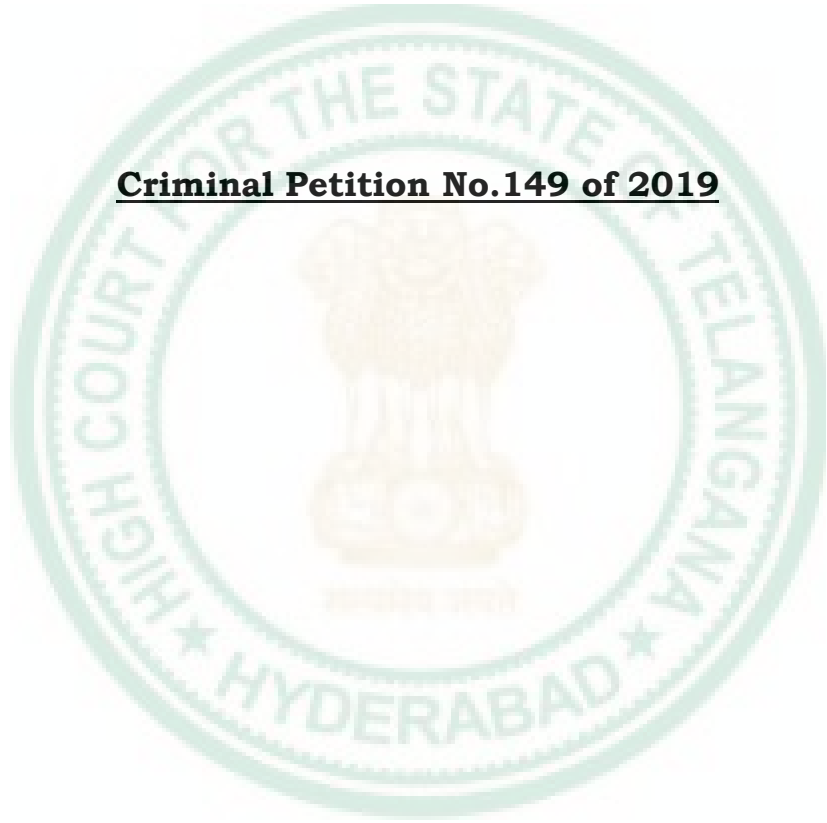
Dr. B. SIVA SANKARA RAO, J

Dt.19.02.2019
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Criminal Petition No.149 of 2019



19th February, 2019

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