

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.13641 of 2019

ORDER :

Petitioner is the accused in crime No.82/2016 of Khammam I Town Police Station of Khammam District registered for the offences punishable under Sections 419 and 171 (D) of Indian Penal Code. It is on the allegation that at Booth No.4 of Chaitanya International School, she made an attempt to franchise the vote belonging to some other person by impersonation.

The contention of the learned counsel for the petitioner, by referring to the expression of the single Judge of the Allahabad High Court in ***Malkhan Singh vs. King Emperor***¹ that the voter goes to an Officer, who issues what known as 'signature slips'. Thereafter, he has to indicate to the Officer, who is he. On ascertaining that he is a real voter, the Officer, in whose charge the signature slips are, issues one to the applicant. Then, the applicant signs the slip and on the strength of that signature slip obtains a voting paper. It is the application for a voting paper by a wrong person made punishable under Section 171 (f) of the Indian Penal Code.

Leave about the facts discussed later, the mere attempt to franchise a vote for getting a voting paper itself is an offence. Leave about the contention of the petitioner's counsel that at best it amounts to an attempt or no offence made out, which are all left. In the event of any charge to be framed, she is at liberty to file application for discharge invoking Section 239 Cr.P.C., in the event Police file any final report and any cognizance taken by the learned

¹ AIR 1925 All 226

Magistrate. Needless to say pending investigation, she shall not be arrested. However, Police are not prevented to secure her presence for the purpose of investigation. All defences left open. Accordingly, rather than dismissal, the Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

21st February 2019.
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