

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL REVISION CASE No.293 of 2015

ORDER:

This Criminal Revision Case is filed by the petitioner-complainant aggrieved by the order dated 03.12.2014 in SR No.792 of 2014 on the file of the II-Additional Judicial Magistrate of First Class, Khammam in dismissing the private complaint filed by him.

2. The case of the petitioner-complainant was that he preferred a private complaint under Section 200 Cr.P.C. against respondents 2 and 3 herein alleging that they committed the offences punishable under Sections 464, 465, 468 & 471 read with 34 & 120 (B) IPC. He was a freedom fighter and resident of Manchukonda village. The respondent No.2-proposed A1 was a contested defeated candidate for the post of President of Cooperative Society (PACS) elections of Manchukonda village. He bore grudge against the complainant under the impression that due to the complainant and his son he was defeated in the elections.

To wreck vengeance against the complainant and to defame him, the respondent No.2-proposed A1 in collusion with respondent No.3- proposed A2, who was the Head Master of ZPH School, Manchukonda village, created a false study certificate of the complainant with false dates and admission numbers and with the aid of the said certificate, he made a petition to the District Collector, Khammam making allegations that the complainant was not eligible candidate for freedom fighter pension. On the basis of the said petition, the District Collector ordered enquiry through revenue authorities. After receiving the report, the District Collector addressed a letter to the Government and on the basis of the letter of the District Collector, the Government stopped pension of the complainant. Aggrieved by the stoppage of pension, the complainant filed two Writ Petitions and obtained interim orders and also lodged a report with the police of Khanapuram Haveli police station on 30.05.2014, but the police had not initiated any action against the respondents 2 and 3 – proposed A1 and A2.

3. The petitioner examined himself as PW.1, but no documents were filed on his behalf.

4. The learned II Additional Judicial Magistrate of First Class, Khammam, observing that as per the own version of the complainant, writ petitions were pending and none of the authorities gave a finding that the study certificate was created by the proposed A1, so that the complainant would get a right to initiate penal action against them, dismissed the complaint. The trial court also observed that the petitioner failed to file the copies of interim orders obtained by him in the two writ petitions alleged to have filed by him and no relevant material was placed before the court to issue summons to the accused.

5. Aggrieved by the said dismissal of the complaint, the petitioner-complainant preferred this revision contending that it was his case that the respondents 2 and 3 conspired together and brought in existence a false study certificate by tampering the Admission Register and the same was supported by the enquiry report of the District Education Officer wherein it was revealed that the Admission Register was tampered and that the identification marks were also not tallying with that of the complainant as such, a *prima facie* case was made out against respondents 2 and 3. The

trial court failed to appreciate that the necessary documents, such as enquiry report of the DEO and the tampered study certificate along with the Admission Register were filed and prayed to set aside the order of the II-Additional Judicial Magistrate of First Class, Khammam, dated 03.12.2014 in dismissing the private complaint filed by him.

6. Heard learned counsel for the petitioner-complainant. There is no representation for the respondents.

7. The learned counsel for the petitioner submitted that no documents are available even to file the same before this Court.

8. Perused the order of the trial court. The trial court dismissed the complaint filed by the complainant as he failed to file any documents in support of his complaint to show that the respondents 2 and 3 had created the false study certificate of the complainant and also failed to file any interim orders obtained by him in the alleged writ petitions filed by him. Even before this Court though he stated that necessary documents such as enquiry report of DEO and the tampered study certificate along with the

Admission Register were filed, not filed any material to take cognizance against the accused. Hence, this Court does not find any merits in the revision case to set aside the order of the trial court in refusing to take cognizance against the respondents 2 and 3.

9. In the result, the Criminal Revision Case is dismissed confirming the order dated 03.12.2014 in SR No.792 of 2014 on the file of the II-Additional Judicial Magistrate of First Class, Khammam in dismissing the private complaint filed by the petitioner-complainant.

Miscellaneous petitions, if any pending shall stand closed.

Dr. G.RADHA RANI, J

December 13, 2022
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