

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No. 5676 OF 2022

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the order passed in CrI.M.P.No.134 of 2020 in C.C.No.5 of 2017 on the file of Junior Civil Judge-Cum-Judicial Magistrate of First Class at Metpally, dated 31.05.2022. The petitioner herein is Accused No.5. the offences alleged against him are under Sections 406 and 420 of IPC.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondents. Perused the record.

3. The allegations against the petitioner herein and other accused i.e., LIC agents, doctors are that they have created false ID proofs and medical examination and confidential report in the name of Basa Rajender. They have obtained two LIC policies from Metpally Branch of LIC with the help of A-8. Thereafter, they have created false

death certificate with the help of A-4 and A-5 and claimed an amount of Rs.5,00,000/- from LIC of India. During the pendency of the said C.C., the prosecution had filed a petition under Section 242 (2) of Cr.P.C vide CrI.M.P.No.134 of 2022 to summon Smt.A.Shailaja Municipal Commissioner, Armoor and Sri A.Sampath Rao, Deputy Executive Engineer, Public Health Sub-Division along with the documents. According to the prosecution, examination of the above said two witnesses is important who can speak about Ex.P-6 and Ex.P-7. Vide impugned order dated 31.05.2022, the learned Magistrate had allowed the said application.

4. Learned counsel for the petitioner would submit that the said witnesses are not shown as witnesses in the charge sheet. Their reference is also not mentioned. To fill the lacunas, the prosecution is seeking to summon the said two witnesses.

5. In the impugned order, learned Magistrate had specifically mentioned that the petitioner herein/A-5 is the person who is Senior Assistant, Metpally Municipality. He

has obtained the fake death certificate of Basa Rajender and it is signed by one A.Shailaja, Registrar of Birth and Death, Metpally Municipality, Karimnagar District (Ex.P-6). It is further mentioned that the said A.Shailaja, Commissioner, Municipality issued a letter/Ex.P-7 to Senior Divisional Manager, LIC, Karimnagar vide Lr.No.C1/1017/2017 dated 05.11.2015 by canceling the death certificate i.e., Ex.P-6.

6. Considering the said contentions, according to the Court below, prosecution has to confront Ex.P-6 and Ex.P-7 given by the above said two witnesses. Therefore, it is a reasoned order and there is no error in it warranting interference of this Court in exercise of its power under Section 482 Cr.P.C.

7. Therefore, this Criminal Petition is liable to be dismissed and accordingly, it is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 30.06.2022
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