

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**TUESDAY, THE THIRD DAY OF JANUARY  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL REVISION CASE NO: 650 OF 2008**

Criminal Revision Case filed under Section 397 & 401 of Cr.P.C Aggrieved by the Judgment dated 27-02-2008 passed in CC No. 721 of 2005 on the file of the VII Metropolitan Magistrate, Cyberabad at Hayathnagar.

**Between:**

G.Yadagiri, S/o. Late G.Mysaiah, Aged about 54 years, Occ: Employee, R/o. H.No.16-11-202, Moosarambagh, Hyderabad - 36.

**...Petitioner/Complainant**

**AND**

1. Gaddam Kishan Rao, S/o. Late Maisaiah, Aged about 36 years, R/o H.No.5-5-62, Chintalkunta, Vanasthalipuram.

**...Respondent/Accused**

2. The State of Andhra Pradesh., Represented by the Public Prosecutor, High Court of A.P., Hyderabad.

**...Respondents**

**Counsel for the Petitioner: SRI. K. PRUDVI RAJ**

**Counsel for the Respondent No.1: PUBLIC PROSECUTOR**

**Counsel for the Respondent No.2: SRI. C.S. VENKATESH**

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL REVISION CASE No.650 OF 2008****ORDER:**

This Criminal Revision is filed by the petitioner-complainant questioning the acquittal of Accused for the offence under Sections 468, 471 and 420 of Indian Penal Code (for short "IPC") passed in Calendar Case No.721 of 2005 on 27.02.2008 by the learned VII Metropolitan Magistrate, Cyberabad at Hayathnagar.

2. The case of the petitioner who was examined as PW1 is that his father married one Yellamma. As there were no children through her, he married another woman and out of the said marriage, PW1 was born. A house bearing No.5-5-62, Chintalkunta was owned by said Yellamma. On the death of her husband namely Maisaiah i.e. father of PWs 1 and 2, the 1<sup>st</sup> respondent became his legal heir along with PWs 1 and 2. However, to get the entire property on to his name, it is alleged that the 1<sup>st</sup> respondent created a Will Deed dated 08.02.1994 forging the signatures of his father authorizing the accused - 1<sup>st</sup> respondent to enjoy the property. Thereafter, the accused executed a gift settlement deed in favour of his wife. Having come to know about filing documents

before the municipal authorities for change of name in the records, PWs 1 and 2 represented the matter to the municipal authorities and also filed a complaint before the police.

3. The said complaint was investigated and charge sheet was filed by the investigating officer for the offences under Sections 468, 471 and 421 of IPC.

4. Learned Magistrate after examining PWs 1 and 5 and marking Exs.P1 to P6 found that the prosecution had failed to prove that the alleged forged document was in fact signed by the accused and filed before the L.B.Nagar Municipality for transfer of title. However, the said forged document filed for transfer could not be secured during the course of investigation and for produced before the Court. Learned Magistrate found that because the application for transfer of title belongs to the wife of the accused, it cannot be conclusively held that the accused had made such an application. For the said reasons, when there was no proof of the accused making any application after committing forgery, the Court found that no offence under Sections 468, 471 and 420 of IPC were made

out against the accused, the accused was acquitted for the said offences.

5. The petitioner is the complainant in the present case and aggrieved by the said acquittal, the present revision is filed.

6. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.

7. This Court under revisional powers cannot reassess the facts, unless there are any inconsistencies or if the Court had incorrectly found that the accused had committed an offence. Since the findings of the learned Magistrate are based on the fact that no proof was filed in the Court to ascertain that the accused had committed any forgery and the said application which was alleged to have been forged was not filed during the course of trial before the Court, the Court found that no case was made out against the accused.

8. Learned counsel for the petitioner would submit that the Court cannot conclude whether a person has forged or not by looking on the document.

9. In the present case, the said document was not collected during the course of investigation nor provided during the course of investigation. However, it was produced directly before the Court. No attempt was made to send the document to an expert for opinion. The course adopted by the Court to compare signatures cannot be found fault with. Under Section 73 of the Indian Evidence Act, the Court can compare writings and signatures.

10. Under Section 401(3) of Cr.P.C. the Revisional Court is barred from reversing an order of acquittal and convicting the accused. No case is made out to remand the matter back to trial Court for re-trial or denovo trial.

11. In view of the above discussion, this Court finds that there are no grounds to interfere with the judgment of the learned Magistrate.

12. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- M. RAMANA KRISHNA  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Metropolitan Magistrate, Cyberabad at Hayathnagar
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to SRI. NANDIGAM KRISHNA RAO, Advocate [OPUC]
4. One CC to SRI. C.S. VENKATESH, Advocate [OPUC]
5. Two CD Copies

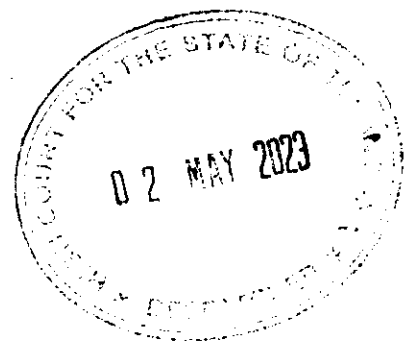
PSR pma.

**HIGH COURT**

**DATED:03/01/2023**

**ORDER**

**CRLRC.No.650 of 2008**



**THE Cri.R.C  
IS DISMISSED.**

⑧ pmc.  
9/3/23