

Bail Slip: The accused was directed to be released on bail by the order of High Court dated 07.07.2010 in CrI.R.C.MP.No.1794 of 2010 in CrI.R.C. 1246 of 2010.

[3251]

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

**THURSDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 1246 OF 2010

Criminal Revision case filed under Sections 397 & 401 of CrPC against the Judgment dated 06.07.2010 made in CrI.A.No. 144 of 2009 on the file of the court of the I Additional Sessions Judge, at Karimangar Preferred against the judgment passed in CC.No.732 of 2007 dated 20.11.2009 on the file of the court of the Additional Judicial Magistrate of First Class, Karimangar.

Between:

Md.Shareefoddin,, S/o. Raj Mohammad, Occ: Private Employee, R/o. H.No. 5-6-175, Maruthinagar, Karimangar District.

...APPELLANT/ACCUSED

AND

The State of Andhra Pradesh., Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner: SRI P. SAJAN KUMAR

Counsel for the Respondent: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1246 OF 2010

ORDER:

The revision petitioner was convicted by the Additional Judicial Magistrate of I Class, Karimnagar, in C.C.No.732 of 2007, vide Judgment dt.20.11.2009, for the offences under Sections 420, 468 and 471 of the Indian Penal Code and sentenced to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs.3,000/- for the offence under Section 420 of the Indian Penal Code; to undergo simple imprisonment for a period of one year and also to pay a fine of Rs.3,000/- for the offence under Section 468 of the IPC; and also to undergo simple imprisonment for a period of one year and to pay a fine of Rs.3,000/- for the offence under Section 471 of the IPC; further, directed that all the sentences shall run concurrently. Aggrieved by the same, the accused filed appeal before the I Additional Sessions Judge (FTC), Karimnagar, in CrI.A.No.144 of 2009, and the learned Additional Sessions, confirmed the conviction and sentence under sections 420 and 468 of the IPC and set aside the conviction and sentence under Section 471 of the IPC. Aggrieved by the same, present revision is filed.

2. Heard.

3. The case against the revision petitioner is that he had taken PW3 to the registration office and registered gift settlement deed allegedly to have been executed by PW1 in his favour.

4. The prosecution examined PW1 who stated that she has not executed any gift in favour of the accused and Ex.P2 which is certified copy of the gift settlement deed, does not contain her signature or thumb prints. PW2 is the husband of PW1 who also spoke about the land in survey No.152 standing in the name of his wife PW1. PW3 according to the prosecution is the person whom the accused had taken to the registration office to impersonate as PW1 and execute the document.

5. On the basis of the registered document Ex.P2 and assertion by PW1 that she did not execute the document in favour of the accused, the learned Magistrate convicted the accused for the offence under Sections 420, 468 and 471 of the IPC.

6. The said conviction was questioned in appeal. The learned Sessions Judge found that no offence was made out under Section 471 of the IPC and acquitted him. However, conviction was confirmed under Sections 420 and 468 of the IPC.

7. Learned Counsel appearing for the revision petitioner would submit that there is no corroborative evidence to the version given by PW1. The prosecution ought to have sent registered document to the handwriting expert to ascertain the signatures on the said document. Further, if PW3 was taken to the registration office to append her signatures on the document, she would be a co-accused, however, she was examined as witness. For the reason of there being no evidence, to corroborate the version of PW1, the question of convicting the accused for the offence under Section 420 and 468 of the IPC does not arise.

8. Ex.P2 is a crucial document. According to PW3, she was taken to the registration office by the accused and her signatures were taken on certain papers. According to her the accused misrepresented her signatures on the papers were required for the purpose of taking ration card. The fact remains that PW2 was taken to the registration office and the document Ex.P2 was executed reflecting that PW1 had gifted the property in favour of the accused.

9. It is not the case that Ex.P2 document which transferred rights of the property of PW1 was executed by PW1. It is apparent from the record that false document was prepared in order to cause wrongful loss to PW1.

10. In the said circumstances, I do not find any reasons to differ with the findings of the Courts below. However, keeping in view that the incident is of the year 2007, and nearly 17 years have passed by, this Court deems it appropriate to reduce the sentence of imprisonment of the revision petitioner under both counts i.e. Sections 420 and 468 to three months.

11. Accordingly, the Criminal Revision Case is partly allowed reducing the sentence of imprisonment of the revision petitioner under Sections 420 and 468 of the IPC to a period of three months. The trial Court shall cause appearance of the accused/revision petitioner and send him to prison to serve out the remaining part of the sentence.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

//TRUE COPY//

Sd/-I.NAGA LAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The I Additional Sessions Judge at Karimnagar (with records if any)
2. The Additional Judicial Magistrate of First Class, Karimnagar (with records if any)
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
4. One CC to Sri P. Sajan Kumar, Advocate [OPUC]
5. Two CD Copies

BR/plp

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HIGH COURT

DATED:20/06/2024

ORDER

CRLRC.No.1246 of 2010



PARTLY ALLOWING THE CRL.R.C.

80 pps
FF
9/9/24