

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

CRIMINAL REVISION CASE Nos.1521 and 1530 OF 2006

Crl.R.C.No.1521 of 2006:

Between:

Md.Tahseen

... Petitioner/A1

And

The State of A.P.,
Rep. by its Public Prosecutor,
High Court, Hyderabad.

... Respondent/complainant

Crl.R.C.No.1530 of 2006:

Between:

M.A.Raheem and three others

... Petitioners/A2 to A5

And

The State of A.P.,
Rep. by its Public Prosecutor,
High Court, Hyderabad.

... Respondent/complainant

DATE OF JUDGMENT PRONOUNCED:

28.02.2024

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

- | | | |
|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

K.SURENDER, J

*** THE HON'BLE SRI JUSTICE K. SURENDER**

+ CRIMINAL REVISION CASE Nos.1521 and 1530 OF 2006

% Dated 28.02.2024

Crl.R.C.No.1521 of 2006

Md.Tahseen

... Petitioner/A1

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... Respondent/complainant

! Counsel for the Revision Petitioners: Sri C.Sharan Reddy

^ Counsel for the Respondents: Sri B. Suresh Goud
Assistant Public Prosecutor for
Respondent-State.

>HEAD NOTE:

? Cases referred

¹(2014) 3 Supreme Court Cases 485

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL REVISION CASE Nos.1521 and 1530 OF 2006****COMMON ORDER:**

1. Crl.R.C.No.1521 of 2006 is preferred by Accused No.1 and Crl.R.C.No.1530 of 2006 is preferred by Accused Nos.2 to 5.

2. Since the revision petitioners in both the cases are involved in the very same case, this Court is inclined to dispose off both the Criminal Revision Cases by way of this common order.

3. It is the case of PW1 who is the defacto complainant and Inspector of Police that Accused Nos.1, 2, 3 and 5 were agents to Accused No.4 and selling fake certificates to public. Accused Nos.4 and 6 were generating fake certificates by using printers, dye colours, films etc. Accused No.7 was a calligrapher who was filling up blank certificates in accordance with the directions of A1 and A6. Accordingly, A1 to A7 as a team were involved in preparation of fake certificates of educational institutions and other government departments.

4. PW1 employed a decoy to trap A1. The decoy-PW3 approached A1 and asked him to prepare two fake certificates in the name of D.Rajasekhar and Javid Hussain. Accordingly, A1 had prepared the said certificates and when the certificates were handed over to PW3,

A1 was caught hold by PW1. From his possessions Exs.P8 to P10-certificates were seized. Pursuant to his confession, A2 was apprehended and Exs.P11 to P17 were seized from A2; Ex.P18 was seized from A3; Exs.P19 to P31 and M.Os.1 to 43 were seized from A4; Exs.P32 to 68 were seized from A5; Exs.P69 to P158, P162 to 183 and also M.Os.44 to 67 were seized from A6. Accused No.1 was apprehended near Deccan Continental Hotel, Secunderabad. Pursuant to his confession A2 & A3 were apprehended at Quli Qutub Shah Hotel, Hyderabad. A4 was found in Falaknuma area. A5 was apprehended at his residence. As narrated above, the apprehension of A1 resulted in apprehending A2 to A6 which is a consequence of confession of each of the accused.

5. The trial Judge examined PWs.1 to 9 and marked Exs.P1 to P193. Material Objects were marked as M.Os.1 to 68.

6. The trial Judge found that in view of possession of the fake certificates and the counterfeit seals, the petitioners/accused were guilty of the offence under Sections 468, 473 and 474 of the Indian Penal code. Under each count they were sentenced to two years imprisonment. On appeal, the learned Sessions Judge concurred with the findings of the trial Court and confirmed the conviction.

7. The counsel for the revision petitioners would submit that the genesis of the prosecution case itself is unbelievable. PW1 states that he had apprehended A1 to A6 with all the certificates which were found on their person. It is highly improbable that so many certificates and seals would be carried on their person by the accused and roaming on the roads. Alternatively, the counsel relied on the Judgment of Honourable Supreme Court in **V.K.Verma v. Central Bureau of Investigation**¹. In the said Judgment, the Honourable Supreme Court found that the litigation was almost for three decades, accordingly, sentenced the accused to the period already undergone.

8. Learned Public Prosecutor submits that the accused were involved in preparing fake certificates and conviction by both the Courts below is in accordance with law.

9. To attract an offence under Section 468 of the Indian Penal Code, a person should have committed forgery intending that the document forged shall be used for the purpose of cheating. The requirement is commission of forgery. There is no evidence adduced by the prosecution to say that any of the certificates which were seized were forged by these accused 1 to 5. The case of the prosecution is that A7 was a Calligrapher who was writing on the

¹ (2014) 3 Supreme Court Cases 485

certificates. However, A6 and A7 died during the pendency of the appeal and the case was abated against them.

10. Since none of the certificates which were found in possession of the accused were sent to any hand writing expert to determine whether any of the accused had forged the said certificates, the conviction under Section 468 cannot be maintained. Accordingly, the accused are acquitted under Section 468 of the Indian Penal Code.

11. Insofar as Section 473 of the Indian Penal code is concerned, any person making or being in possession of a counterfeit seal or plate or other instrument, is guilty of the offence under Section 473. Counterfeit seals and instruments were not found with A1 to A3 and A5 but seized from A4. Accordingly, A1 to A3 and A5 are acquitted for the offence under Section 473 of the Indian Penal Code.

12. However, the conviction as against A4 is maintained under Section 473 of the Indian Penal Code.

13. Admittedly, all the accused were in possession of fake certificates. The argument of the learned counsel that intention cannot be inferred from mere possession of the certificates, is not acceptable. When the certificates are in such large numbers

intention to fraudulently and dishonestly use such certificates as genuine is apparent. The very possession of certificates in such large numbers is enough for the Court to conclude their intention of using such documents for fraudulent purposes.

14. Recovery was effected from these accused. However, not even a single witness is examined during the course of investigation to whom the certificates were sold or the persons' whose names are found on many of the certificates. No reasons are given as to why the prosecution failed to examine any persons who had allegedly approached these accused for the purpose of purchasing certificates. Needless to say that even if any person had utilized the services of the accused for taking fake certificate would not venture to state before Police or the Court that they have obtained false certificates.

15. As seen from the record, the accused have not contributed to delay in investigation or Trial. The offence is of the year 1998, nearly 26 years have passed. Keeping in view the observation of the Honourable Supreme Court in **V.K.Varma's case**, and the fact that delay was caused in the Courts, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone. Justice has been delayed for whatever reasons.

16. The accused A1 to A3 and A5 shall pay enhanced fine of Rs.25,000/- each for the offence under Section 474 of the Indian Penal code. Accused No.4 shall pay Rs.25,000/-for each of the offences under Section 473 and 474 of the Indian Penal code, totaling to Rs.50,000/-. In the absence of payment of fine within a period of one month from the date of this order, the revision petitioners shall undergo default sentence of six months.

17. Accordingly, both the Criminal Revision Cases are partly allowed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 28.02.2024
Note: Issue CC by today.
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