

**IN THE COURT OF THE IV ADDITIONAL METROPOLITAN SESSIONS  
JUDGE, AT L.B.NAGAR, RANGA REDDY DISTRICT**

**Present : Sri Y. VEERRAJU,**  
IV Additional Metropolitan Sessions Judge  
Ranga Reddy District at LB Nagar

**Dated this the 08<sup>th</sup> day of November, 2017**

**Crl.R.P No. 115 of 2015**

**Between:**

T. Vijay Bhasker S/o. T.J.M. Babu, aged about 45 Yrs, Occ: Business, R/o. H. No. 3-11-53, RTC Colony, L.B. Nagar, Hyderabad.

...Revision Petitioner/Accused

And

Banala Kishan Chari S/o. Late B. Krishnayya Chari, aged about 39 Yrs, Occ: Business, R/o. H. No. 5-3-707/3, Vijaypuri Colony, Phase-I, Plot No. 93., Road No.3, Vanasthalipuram, R.R. District.,

...Respondent/Complainant

***Against: Orders passed by the learned IX Special Magistrate, Cyberabad at Hasthinapuram, R.R. District in Crl.M.P No. 972 of 2015 in CC No. 32 of 2015 dated 23-06-2015.***

**Between:**

T. Vijay Bhasker S/o. T.J.M. Babu,

...Petitioner/Accused

And

Banala Kishan Chari S/o. Late B. Krishnayya Chari.

...Respondent/Complainant

*This Criminal Revision Petition is coming on 06-11-2017 before me for hearing in the presence of M/s. Sri K.Vishwanatham, Counsel for the Petitioner/Accused and upon perusal of the material papers on record and the case having been heard and stood over for consideration till this day, this court delivered the following order;*

**ORDER**

This petition is filed by the revision petitioner/accused against the orders in Crl.M.P. 972/2015 in CC No. 32/2015 on the file of IX Special Magistrate, Cyberabad at Hasthinapuram ie., the dismissal order in petition filed under Section 192 of Cr.P.C.

2. The brief facts of the leading to file the present petition are that the revision petitioner herein is the accused in CC No. 32/2015 on the file of

IX Special Magistrate, Cyberabad at Hasthinapuram. Originally the respondent herein ie., the complainant filed the main complaint for the offence under Section 138 of Negotiable Instrument Act, the accused received the petition copy from the trial court wherein it is pointed out only three documents are referred as Cheque, Cheque return memo and office copy of legal notice and the promissory note is not at all referred in the complaint and inspite of issuance of the notice by the accused, the complainant failed to furnish the copy of the promissory note and subsequently filed the documents along with memo and fabricated or tampered the court file, therefore, the complainant is liable for punishment under Section 454 of IPC. The petition filed by the accused under Section 192 of Cr.P.C against the complainant was dismissed by order dated 23.06.2015. Aggrieved by the said order, the revision petitioner preferred the present revision petition on the following grounds.

*i) That the lower court contrary to law and material on record and erroneous, contrary to the Judgment of Apex Court and the lower court has failed to assess and appreciate the law on record in proper perspective.*

*ii) That the impugned order of the lower court is illegal, improper and incorrect and that the lower court has not considered the fact and law that, the respondent has not filed the pro-note at the time of filing of the complainant,*

*iii) That the lower court not considered the reply notice clearly denied by the petitioner about the pro-note, this also identified by the lower court but not considered.*

3. The respondent/complainant made his appearance but failed to submit the arguments.

4. This being the Criminal Revision petition of the year 2015, Heard the arguments of the learned counsel for petitioner. As there is no representation on behalf of the respondents, it is treated that the respondent has no arguments and posted the case to this day for orders.

5. Perused the record.
6. Now the point that arises for determination is:-

***“Whether there is any irregularity or illegality in the order of Crl.M.P No. 972/2015 on the file of IX Special Magistrate, Cyberabad at Hasthinapuram? If so, the interference of this court is necessary or not”?***

7. **POINT:-**

Even according to the revision petitioner the promissory note and other documents are filed subsequent to filing of the main complaint along with memo. It is submitted by the learned counsel for petitioner that in view of the settled preposition of law, the complainant has to file all the documents along with the main complaint. It is not the case where that after filing of the promissory note and other documents into court, the respondent/complainant herein had tampered the record etc., The main grievance of the petitioner is that the respondent filed the promissory note subsequently and he failed to produce the same when the petitioner issued notice etc., Therefore simply because the petitioner failed to produce the promissory note when demanded by the petitioner and filed at a later stage of the proceedings of the complaint, on that ground alone it cannot be said that the respondent had tampered the court record. On the other hand, there is no specific observations or findings by the trial court in so far as the alleged tampering of the document is concerned.

8. A perusal of the order of the trial court, it appears that learned Magistrate discussed the same and gave a correct findings. Therefore, I am of the considered opinion, that there is no illegality or irregularity in the order passed by the learned Magistrate. In such a case there are no grounds to interfere with the orders of the Learned IX Special Magistrate, Cyberabad at Hasthinapuram and accordingly this point is answered.

9. **IN THE RESULT**, petition is **dismissed**.

*Dictated to the Personal Assistant, transcribed by him corrected and pronounced by me in open Court on this the 08<sup>th</sup> day of November, 2017.*

**IV ADDITIONAL DISTRICT JUDGE  
RANGA REDDY DISTRICT**