

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2470 OF 2014

JUDGMENT:

The petitioner/informant filed the present application under Sections 397 and 401 Cr.P.C., aggrieved by an order dated 20.09.2014 passed in CrI.M.P. No.1619 of 2014 in Cr.No.100 of 2014, wherein and whereunder an application filed under Sections 451 and 457 Cr.P.C. seeking interim custody of Rs.10,00,000/- (Rupees Ten Lakhs only) was dismissed.

The case of the prosecution is as under :

On 27.03.2014 at 6.30 p.m., the informant, who is a Manger at Cash Services, Sithapalmandi, Secunderabad, lodged a report stating that their company SIS Cash Services Private Limited, does ATM replenishments of different banks in Secunderabad and Hyderabad. One of their custodians i.e., A-1 was entrusted with replenishment of 22 ATMs. One junior custodian by name M.Narasihmulu was also assisting him during the said replenishing. It is stated that on 24.03.2014 and 25.03.2014 when audit of the 22 ATMs was conducted, it is found that there was a physical shortage of cash of Rs.65,97,900/-. On enquiry, A-1 is alleged to have accepted that he has taken the said cash from different ATMs over last two months and used the same in gambling and bettings. The informant also expressed suspicion about the involvement of one Parlapelli Pawan Kumar along with A-1 in the said embezzlement. Basing on these allegations, a case in Crime No.100 of 2014 came to be registered for the offences punishable under Sections 420 and 408 IPC.

Placing reliance on the documents and agreements entered into with the Bank, the learned counsel for the petitioner submits that their company by name M/s. SIS Cash Services Private Limited, for which the petitioner is the Manager, is liable for interim custody of the amount.

Learned Public Prosecutor though opposed the application, but, however stated that M/s. SIS Cash Services Private Limited, alone is entitled for the interim custody of the cash but not the petitioner as he is not the Manager of the said Company any more.

As stated earlier, seeking interim custody of the cash, the petitioner herein filed an application under Sections 451 and 457 Cr.P.C., and the said petition was dismissed on the ground that the petitioner is not the exclusive owner of the said amount of Rs.10 lakhs and that the said amount belongs to different Banks and ATM centers. Further, the second reason given by the trial court was that the I.O., while seizing the cash mentioned the denominations of the currency notes of amount of Rs.10 Lakhs and there is every likelihood of the petitioner/informant disbursing the amount among the customers thereby making it difficult for the prosecution to establish the identity of the cash.

As seen from the material on record, none of the Banks have come forward to claim the cash recovered by the police. It is only M/s. SIS Cash Services Pvt. Ltd., represented by the petitioner by name Srinivas Dasari, who has filed an application seeking custody of cash. The learned Public Prosecutor on instructions stated that M/s. SIS Cash Services Private Limited alone is entitled for the interim custody of cash but not the petitioner since he has resigned from the service. He submits that one Phanibhushan is the Manager of M/s. SIS Cash Services Pvt. Ltd., and that it will be appropriate to handover the cash to M/s. SIS Cash Services Pvt. Ltd., represented by Phanibhushan for interim custody. Learned counsel for the petitioner submits that he has no objection for doing the same.

Having regard to the circumstances stated above and since there are no rival claimants except M/s. SIS Cash Services Pvt. Ltd., the learned Magistrate is directed to verify as to who is the person authorized to receive interim custody of cash on behalf of M/s. SIS Cash Services Pvt. Ltd., and then pass orders on such terms and conditions as the said court deems fit and proper.

With the above direction, the CrI.R.C. is disposed of.

As a sequel to it, miscellaneous petitions pending if any, in this CrI.R.C. shall stand cancelled.

JUSTICE C. PRAVEEN KUMAR

Date: 25.03.2015

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