

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.129 of 2015

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ORDER:

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The present revision is filed by accused No.4 under Sections 397 (1) read with 401 Cr.P.C. questioning the order dated 08.09.2014 passed in CrI.M.P.No.3934 of 2014 in C.C.No.129 of 2009 on the file of the II Additional Judicial First Class Magistrate, Rajahmundry, wherein and whereunder an application for discharge filed by the petitioner was rejected.

A charge sheet came to be filed against the petitioner and others in Crime Nos.330 of 2007 and 334 of 2007 of Rajahmundry I Town Police Station, registered for the offences punishable under Sections 420 read with 34 IPC. The averments in the charge sheet are as under:

Accused No.1 is a native of Palivela village, Kothapeta Mandal. He studied IIT in the Institute of Electronics and Communications at Delhi. Later he did Network Engineering Contracts. On 22.03.2005 accused No.1 established a company under the name and style of Techway Communications Limited vide Registration No.45683/2004-2005. Accused No.1 was the Chairman and Managing Director of the company. The other accused were the directors of the company. The accused canvassed stating they would supply three way telephone, cable TV and telephone with one cable for a cheaper rate of Rs.500/-. Accused collected Rs.65,000/- from LWs.1 to 7 with a promise to provide jobs to them. Having received the amounts, the accused paid some paltry amounts as salaries for a few months and later avoided to pay the salaries. When LWs.1 to 7 demanded for return of the deposited amount, the accused started evading them on one pretext or the other. Basing on these allegations the above charge sheet came to be filed.

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

Learned counsel for the petitioner submits that even accepting the allegations made in the charge sheet to be true no offence is made out against the petitioner. According to him, there is no inkling of material connecting the petitioner with the crime. According to him the statement of LWs.1 to 7 do not reveal the name of the petitioner as a Director of the company.

A perusal of the statement of the witnesses which are placed on record would show that the petitioner along with some others collected money from the general public promising to provide employment. Since the allegations in the statements of witnesses recorded by the police show involvement of the petitioner in collecting money and then evading return of the same, it cannot be said that no offence is made out against him. Hence, this Court is of the view that it is not a case for discharge.

Accordingly, the Criminal Revision Case is dismissed. However, the presence of the petitioner in C.C.No.129 of 2009 on the file of the II Additional Judicial First Class Magistrate, Rajahmundry, is hereby dispensed with except on the dates when his presence is specifically required by the Court below.

Miscellaneous petitions, if any, shall stands closed.

JUSTICE C. PRAVEEN KUMAR

05.02.2015
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