

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION Nos.3609, 3610, 3613, 3614 and 3615 of 2015

COMMON ORDER:

These Criminal Petitions are filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), requesting to quash the proceedings in C.C.Nos. 1601, 1506, 1602, 1504 and 1505 of 2009 on the file of Additional Judicial Magistrate of First Class, Sathupally, Khammam District, for the offences punishable under Sections 406 and 409 read with 34 IPC, against the petitioner – A.1.

It is submitted by the learned counsel for the petitioner that, in all these five criminal petitions, the learned Magistrate dismissed the petitions filed, under Section 70(2) Cr.P.C, to recall non-bailable warrants issued against the petitioner – A.1 on 08.11.2012. According to the learned counsel, the petitioner – A.1 suffered brain tumor and joined Yashoda Hospital at Somajiguda for getting treatment and there was surgical intervention time and again; that he was again admitted in Yashoda Hospital for the very same ailment; and, therefore, sought to recall the non-bailable warrants issued by the learned Magistrate in all these petitions. It is also submitted by the learned counsel for the petitioner that, due to political animosity, the local M.L.A. got foisted false cases alleging misappropriation but, in fact, the petitioner is totally innocent; that the then Divisional Forest Officer, Khammam Division, Khammam, through his letter dated 27.12.2008, has addressed to the Station House Officer, Dammamet, stating that, based on the orders passed by the Chief Conservator of Forests, Hyderabad, Sri V.Satya Prasad, who is the petitioner herein, then working as Forest Range Officer, requested that the amount alleged to have been misappropriated does not belong to government and pertained to VSS, managed by the Chairpersons or Committee; that the Forest Range Officer had no access and was not taken by him; as such, no misappropriation was done by him, and pleaded to drop criminal action initiated against him; and, that since

the disciplinary proceedings were already initiated, and under process, instructed to withdraw the complaint, which has been placed for perusal by the learned counsel for the petitioner, filed as one of the items, along with bail petition, in the material papers. It is submitted by the learned counsel for the petitioner that these material papers were not placed before the learned Magistrate when applications, under Section 70(2) Cr.P.C, were moved.

However, keeping in view, the material on record, the discharge summary issued by Yashoda Hospital, Somajiguda, wherein he was treated as inpatient, it is clear that the petitioner has been suffering from diabetic hypertension, and as surgical intervention undergone by the petitioner is also forthcoming, the petitioner is directed again to move applications, under Section 70(2) Cr.P.C, before the learned Additional Judicial Magistrate of First Class, Sathupally, Khammam District, in which case, the learned Magistrate shall dispose of the applications, if any filed by the petitioner on the same day considering the medical evidence to be submitted by him and also in the light of disposal of split up cases against other accused by adopting a reasonable approach, the petitioner shall file the petitions within a month from today. Till then the police shall not arrest him in C.C.Nos. 1601, 1506, 1602, 1504 and 1505 of 2009. It is also observed that, in case, the sureties are directed to be furnished by the learned Magistrate, the petitioner be permitted to furnish sureties from outside the District, but within the State.

All the Criminal Petitions are, accordingly, disposed of.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of.

A. SHANKAR NARAYANA, J

Date:01.05.2015

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