

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Petition No. 3067 of 2015

Order:

The instant petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C'), by one Borru Siva Naga Raju, who is arraigned as A-2 in Crime No.393 of 2014 of Bowenpally Police Station, Hyderabad District, registered for the offences punishable under Sections 420, 406, 468, 471, 379, 506 read with Section 120(b) IPC, requesting to quash the said proceedings.

2. The material placed on record reveals that the petitioner herein is working along with A-1 and A-3. A-1 is the Sales Officer, whereas the petitioner/A-2 is the Assistant Sales Officer in M/s. Madura Coats Private Limited, at Hyderabad. They have been performing their respective duties and the petitioner was assisting the Sales Officer in discharging his duties. The second respondent, in the complaint filed on 15.09.2014, levelled serious allegations of falsification of accounts and fabrication of documents by forging the signatures of the customers as a token of receipt of material on invoices as if they were signed by the genuine customers while accepting the delivery of material with the connivance of others and the cash collected from the parties was misappropriated by the petitioner and the accused.

3. Heard both sides.

4. Learned counsel for the petitioner has placed a copy of

the order passed by this Court in Criminal Petition No.16138 of 2014 filed by the other two accused i.e., A-1 and A-3. While dismissing the said Criminal Petition, this Court directed the Station House Officer, Bowenpally Police Station, Hyderabad District, to follow the procedure contemplated under Section 41-A Cr.P.C in the above crime basing on the decision of the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**^[1].

5. The present petitioner being A-2, a similar direction is given to the effect that the Station House Officer, Bowenpally Police Station, Hyderabad District, to follow the procedure contemplated under Section 41-A Cr.P.C., in the instant crime i.e., Crime No.393 of 2014 as per the principles laid down by the Hon'ble Apex Court in **Arnesh Kumar's** case (1 supra).

6. With the above direction, the instant Criminal Petition is dismissed. The copy of the order submitted by the learned counsel for the petitioner shall form part of record.

7. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 22.04.2015
Nsr

^[1] 2014(8) SCALE 250