

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1153 OF 2015

ORDER:

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The petitioners, who are A2 to A5, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.130 of 2014 of Porumamilla Police Station, Kadapa District, registered against the petitioners and others for the offences punishable under Sections 406 and 420 read with Section 34 of IPC.

A charge sheet came to be filed against the petitioners and others as C.C.No.565 of 2014 on the file of the learned Judicial Magistrate of First Class, Badvel, showing that the petitioners are absconding.

The allegations in the charge sheet would disclose that the informant was running a jewellery shop near Gandhi Statue, Porumamilla Town and Mandal, Y.S.R.District. About 11 months back, A1 is alleged to have taken gold jewels worth Rs.10,000/- and gave additional amount of Rs.20,000/-. Again after 20 days, A1 took gold jewels worth Rs.30,000/-. One week later, A1 to A6 came to the shop of the informant where A1 introduced them as his wife, friend's wife and his family members and they purchased certain gold ornaments from the jewellery shop. Believing the representation made by A1, the informant gave certain gold ornaments worth Rs.6,59,000/- to the accused. The accused promised the informant/L.W.1 that they would come to the shop in the evening and pay the money, but none of them turned up. When L.W.1 contacted A1, he replied that he would pay the amount within two days. On one pretext or the other, the accused was

postponing the payment. Ultimately, the accused failed to pay the amount. Hence, the above case came to be registered.

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

Learned counsel for the petitioners submits that there are no specific allegations against the petitioners, except collecting gold ornaments from the shop and handing over the same to A1. He further submits that the entire acts alleged in the report are done at the instance of A1. According to him, the petitioners have nothing to do with the said offence.

Learned Public Prosecutor submits that accused are involved in number of cases and as on today six criminal cases are registered against the petitioners. He submits that in the instant case the police investigated into the matter and filed charge sheet against six accused, pursuant to which the Court issued Non Bailable Warrants which are pending.

The averments in the charge sheet would show that these petitioners proceeded to shop with A1 and on the instructions of A1, collected gold ornaments.

Having regard to the said circumstances and since Non Bailable Warrants are pending against them, the petitioners are directed to appear before the concerned Court and make an application for recall of warrant, in which event, the same shall be dealt with on the same day in accordance with law.

Accordingly, the criminal petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt:23.02.2015

vhb