

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.535 of 2015

ORDER:

The petitioner, who is accused No.3, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.293 of 2014 of Central Crime Station, Hyderabad, registered for the offences punishable under Sections 420, 467, 406, 471, 506 and 120 (B) IPC.

The case of the prosecution is that the informant lodged a report stating that in the month of December, 2013, the petitioner along with Peddu Naveen met him in the office of S.S.Digital, Nellore, and proposed to provide digitalization of cable service on payment of Rs.40,00,000/- towards digital facility and for 20,000 set top boxes. The accused also stated that they were partners of Sun Network at Hyderabad and in support of the same showed a forged document of TROI, authorizing them to provide digital services in the entire Adilabad District for cable TV subscribers. As part of the agreement, in the month of January, 2014 the informant paid Rs.5,50,000/- as advance, for which the petitioner executed a promissory note for Rs.3,60,000/- stating that he would give receipt after balance payment. Later, the informant came to know that accused have collected more than 1 crore of rupees from various MSOs of Adilabad District for digitalization of cable services. When, the informant contacted him for repayment of money, the accused is alleged to have threatened him with dire consequences. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that the report is lodged by one Y.Rajesh Kumar, with whom the petitioner has no connection. According to him, the accused themselves are at fault by not providing him with appropriate documents for getting the same registered. He relies upon the notice dated 25.09.2014 and also the

Memorandum of understanding entered into between the petitioner and Kondeti Satyanarayana. He submits that the petitioner acted as mediator on behalf of the cable operators and hence he cannot be fastened with any liability.

Learned Public Prosecutor opposed the application contending that the petitioner has no authority or licence to carry on the said business as such he is not entitled to the relief as sought for. He further submits that the petitioner is involved in other crimes of similar nature and that he is a habitual offender.

A perusal of the material on record would show that the petitioner is involved in Crime No.431 of 2013 of Nirmal Town Police Station, registered for the offences punishable under Section 420 IPC and Sections 63 and 65 of the Indian Copy Right Act, 1957. The allegations in the said report are identical to the case on hand. The petitioner is relying upon the agreement and also the legal notice issued to one K.Satyanarayana. But the report in this case is given by one Y.Rajesh Kumar, who is a cable operator based at Jannaram, Adilabad District and provides cable service in Kadem and Jannaram Mandals. The averments in the report discloses that basing on a false representation made that the petitioner is a partner of Sun Network at Hyderabad authorized by TROI to provide digital services in the entire Adilabad District to cable TV subscribers, the informant handed over Rs.5,50,000/- as advance against Rs.10,00,000/-. Subsequently, the informant came to know that the petitioner collected crores of rupees. The memorandum of understanding placed on record was entered into with one K.Satyanarayana. Though the learned counsel for the petitioner tried to contend that there is an agreement but the same does not in any way refer to the name of the informant. In view of the fact that number of cases are registered against the petitioner, the said agreement must have been with one of other subscribers. The petitioner also relies upon the e-mails and correspondence with

K.Satyanarayana and the petitioner. As stated earlier, there is no material to show the relationship between K.Satyanarayana and the informant herein. The material placed by the learned counsel for the petitioner clearly show that K.Satyanarayana was operating at Manchiryal, where as the informant in his complaint specifically refers to his operations in Kadem and Jannaram mandals. In view of the above, I am not inclined to grant bail to the petitioner. However, the petitioner if so advised shall appear before the concerned Court and move an application for grant of bail after giving notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law either on the same day or atleast by next day.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

16.02.2015
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