

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

* * * *

CRIMINAL PETITION No.6219 of 2015

-

-

Between:

Majji Mahesh

.. Petitioner/ accused No.2

And

The SHO, Robertsompeta Police Station,
Krishna District, State of A.P.,
rep. by its Public Prosecutor
High Court of Judicature at Hyderabad
for the State of Telangana and Andhra Pradesh & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6219 of 2015

-

ORDER :

This Criminal Petition is filed by the Petitioner/ accused No.2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.134 of 2013 of Robertsonpet Police Station, Krishna District, registered for the offences punishable under Sections 468, 471, 406, 420 r/w 34 IPC, outcome of report given by bank officials of Axis Bank, Jagannadhapuram Branch of Krishna District.

2) Heard learned counsel for the petitioner/ accused No.2 and learned public prosecutor representing the 1st respondent—State before admission and before ordering notice to the respondents 2 to 4—who are complainants. Perused the material on record.

3) A perusal of the record would show that police after completion filed charge sheet before the learned Magistrate to take cognizance for the offence and it is pending for cognizance as can be seen from the submission of both sides.

4) The case of the petitioner/ Accused No.2 is that he stood as guarantor out of the request by accused No.1 along with accused No.3 and he is innocent. A perusal of charge sheet and the other material shows the property of accused No.1, by filing market value and filing fake certificates, for the loan of Rs.50 lakhs each, has been mortgaged in October, 2009.

5) It is the submission of the petitioner/ accused No.2 that he stood as guarantor and not even mortgaged his property and is innocent. However, there is prima facie accusation. The fact that the bank officials also privy if at all from the investigation done by police showing not charged is not a ground for the petitioner to seek for quashing. Thereby, the facts fall short to admit the application under Section 482 Cr.P.C to quash the FIR so far as the petitioner/ accused No.2 is concerned; but from the factual matrix discussed above, he is entitled to the concession of regular bail.

6) Accordingly, the Criminal Petition is disposed of giving liberty to the petitioner/ accused No.2 to surrender before the learned Magistrate concerned and move for regular bail with notice to Assistant public prosecutor concerned and in such an event, the learned Magistrate shall hear and grant bail on the same day with necessary conditions.

7) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.21.07.2015

KnI

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-
-
-
-
-
-

-

-

CRIMINAL PETITION No.6219 of 2015

Date:21.07.2015

knl