

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No. 11 of 2015

ORDER :

The petitioners, who are accused Nos. 1 and 2 in Crime No.167 of 2014 of Gachibowli Police Station, Cyberabad, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered for the offences punishable under Sections 420 & 506 IPC and Section 4 of A.P.C.F. Act.

The case of the prosecution is as under:

The 1st petitioner is the husband of the 2nd petitioner and they are running chits unauthorisedly by collecting money from the residents of their locality. It is stated in the report that believing the representations made by the petitioners, the informant joined as a member to a chit of Rs.5.00 lakhs by paying Rs.12,000/- per month. After completion of the chit period, the petitioners failed to pay the chit amount. When the informant asked the petitioners to pay the chit amount, the petitioners are alleged to have executed a bond showing as if they took a hand loan of Rs.4,63,000/- from the informant and promising to pay the amount of Rs.5.00 lakhs within three months. After lapse of three months, when the informant demanded the petitioners to pay the amount, the petitioners are alleged to have threatened her with dire consequences. Basing on these allegations, the above crime came to be registered.

The learned counsel for the petitioners submits that even

accepting the allegations in the report to be true, no offence is made out against the petitioners. According to him, it is a case of non-payment of hand loan and since the dispute is purely civil in nature, the relief sought for may be granted. The learned Additional Public Prosecutor opposed the application.

A perusal of the averments in the first information report clearly discloses that the petitioner and others are the subscribers to the chit run by the petitioners. After completion of the chit period, the petitioners failed to pay the chit amount. When the informant asked the petitioners to pay the chit amount, they are alleged to have executed a bond showing as if they took the amount as hand loan with a promise to pay the amount within three months, but the same could not be fulfilled. Therefore, the argument of the learned counsel for the petitioners that it is a case of non-payment of hand loan cannot be accepted. Since number of persons are cheated and huge money is involved, I am not inclined to consider the request of the petitioners.

Accordingly, the Criminal Petition is dismissed. However, having regard to the fact that the 1st petitioner is a Government employee and the 2nd petitioner is a lady, if so advised, the petitioners shall surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, on the same day.

JUSTICE C. PRAVEEN KUMAR

21st January, 2015
cbs

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