

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
CRIMINAL PETITION No.623 of 2013

ORDER:

The petitioner herein, who is the accused No.1, sought for quashing the C.C.No.220 of 2009 on the file of II Additional Judicial First Class Magistrate, Kothagudem.

Accused Nos.2, 3 and 4 have already filed Criminal Petition No.10973 of 2009 before this Court for quashing the Charge Sheet filed against them. This Court by its Judgment dated 16.12.2011 has quashed the charge sheet against accused Nos.2, 3 and 4. During the course of the said judgment, it was recorded by the learned Judge that admittedly the company sent Rs.9,000/- by way of demand draft/cheque towards the incentive of the complainant. Therefore, the grievance of the complainant was described by this Court as imaginary. In that view of the matter and in view of the dictum laid down by the Supreme Court in "***Iridium India Telecom Ltd. v Motorola Incorporated (2011 (1) ALD (Crl.) 591 (SC)***" the charge sheet against accused Nos.2, 3 and 4 is already quashed.

For the same reasons, which hold good and in common to the petitioner, who is accused No.1, the C.C.No.220 of 2009 has to be quashed. Accordingly, this petition is allowed. The C.C.No.220 of 2009 on the file of II Additional Judicial First Class Magistrate, Kothagudem stands quashed in so far as the accused No.1 is concerned. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

22.06.2015

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