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

Criminal Revision Case No.2204 of 2012

Between :-

Telekicharla Satya Venkata Diwakar .. Petitioner

And

The State of A.P.,
Rep.by its Spl.P.P. CBI,
High Court of A.P.,
Hyderabad .. Respondent

DATE OF JUDGMENT PRONOUNCED: 24th July, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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

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

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

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Revision Case No.2204 of 2012

ORDER:-

This Criminal Revision Case is filed by the petitioner/A.4 under Section 397 read with 401 Cr.P.C., questioning the correctness of the order of the learned I-Additional Special Judge for CBI Cases, Hyderabad, in Crl.M.P.No.1951 of 2007 in C.C.No.20 of 2007, dated 19-10-2012.

2. The facts, in brief, are that the petitioner/A.4 filed a petition under Section 239 Cr.P.C., for discharging him for the alleged offences punishable under Sections 120-B, 420 and 471 IPC., and under Section 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988. By impugned order, the learned trial Judge held that the material placed on record is sufficient for framing the charges and there were no grounds to discharge the petitioner/A.4 and consequently dismissed the petition. Hence, the revision.

3. The contention of the learned Counsel appearing for the petitioner/A.4 is that a bare perusal of the charge sheet does not disclose that the petitioner/A.4 has committed any act whereby he is said to have committed the acts of cheating as alleged by the Investigating Agency. He further contended that the material placed on record does not, *prima facie,* show the involvement of A.4, hence, the learned trial Judge ought to have discharged the petitioner, but erroneously dismissed the petition.

4. On the other hand, learned Special Standing Counsel for CBI submits that if the entire charge sheet and the material produced along with that is perused, *prima facie*¸ it is made out that there was a deep-seated conspiracy in between all the accused including A.4 and the matter of conspiracy can be deciphered only during the course of trial whereby it can be brought on record as to what is the specific role played by the accused. Learned Standing Counsel further submits that there is a specific allegation against the petitioner/A.4 facilitating the acts of all the accused in cheating the bank in obtaining loan based on false, fabricated

and fictitious documents. The learned trial Judge has rightly considered the material on record and dismissed the petition, which does not warrant any interference.

5. The non-petitioners - A.1 to A.3 are the bank officials of the Indian Overseas Bank, and the other accused including the petitioner/A.4 are connected with M/s.Pragathi Industries, Teja Industries and Jai Ganesh Machinery and Equipment. The allegation is that all the accused conspired together to cheat the Indian Overseas Bank, Main branch, Hyderabad and in furtherance of their conspiracy they have used forged documents for processing the loan applications and thereby caused monetary loss to the Bank to an extent of Rs.25,26,020/-.

6. The main contention of the prosecution insofar as against the petitioner/A.4 is concerned, is that he has played a vital role in arranging false documents as collateral security to the bank for sanction of the loan and it is the petitioner/A.4 himself who filled up the Bank Account Opening Form and F.337 in his own handwriting for the borrowers viz., Smt.Shakeela Begum and A.5. It is the petitioner/A.4 who filled the bankers cheques which were issued in their names. A.4 has connived with A.1, A.5, A.8 and A.9 and drawn the amounts of Rs.8,00,000/- and Rs.9,00,000/- and caused loss to the Indian Overseas Bank. The documents that are produced along with the charge sheet, *prima facie,* show that it is the petitioner/A.4 who has drawn the amounts through A9. Witness Nos.3 and 18 are cited for proving the documents. The oral and documentary evidence placed on record, *prima facie*, show that A.4 has played a prominent role and it is the contention of the prosecution that the offence of conspiracy needs to be proved during the course of trial.

7. Having perused the material on record, both oral and documentary evidence, learned trial Judge has found that there is sufficient material to frame the charges against the petitioner/A.4 and dismissed the petition. Having perused the material on record, the order of the learned trial Judge cannot be said to be illegal or irregular warranting any interference. There are no merits in the revision and the same is liable to be dismissed.

8. In the result, the Criminal Revision Case is dismissed and the

learned trial Judge is directed to proceed with the trial of the case, however, without insisting for the presence of the petitioner/A.4 for each and every adjournment, unless the same is necessary for any specific purpose.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M.S.K.Jaiswal, J

24th July, 2015
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