

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8433 of 2015

ORDER :

This criminal petition is filed by the petitioner/accused No.1 under Section 482 Cr.P.C to quash the proceedings in S.C. No.679 of 2013 on the file of II Metropolitan Sessions Judge at Hyderabad, outcome of report of Manager, Reserve Bank of India, Claims Section, Hyderabad—2nd respondent herein on noticing fake currency note and Crime No.170 of 2009 registered by Saifabad Police for the offence under Section 489 A to E IPC and after investigation filed final report against in all two accused including petitioner as accused No.1.

2) Heard learned counsel for the petitioner/ accused No.1 as well as 1st respondent—State represented by learned public prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant herein. Perused the material on record.

3) It is the submission of the learned counsel for the petitioner/ accused No.1 that the petitioner/ accused No.1 is innocent and nothing to do with the so called fake currency seized even from Moinuddin (LW.2), second witness of charge sheet, who claimed secured from accused No.2 and that accused No.2 discloses the name of accused No.1 as privy and appearing that there is no material for the charge to sustain and a confession of co-accused can never be a substantial evidence much less drawing a piece of

corroboration in the absence of any substantial evidence otherwise than that to utilize the same as corroborative piece.

4) As the facts fall short for this Court to admit the Criminal Petition filed under Section 482 Cr.P.C, the Criminal Petition is disposed of, giving liberty to file an application under Section 227 Cr.P.C if no grounds to frame charges under Section 228 Cr.P.C and the learned Sessions Judge in the course of hearing on charges to decide from the prosecution material vide ***State of Orissa vs Debendra Nath Padhi***^[1]. Needless to say, as petitioner is claimed as resident of Chennai, in the event of filing an application under Rule 37 Cr.R.P on behalf of accused Nos.1 and 2 for one to represent others, the learned Magistrate shall hear and permit with necessary conditions including personal appearance as and when required.

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

Dr. B. SIVA SANKARA RAO, J

08.09.2015
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[\[1\]](#) 2005 (1) SCC 568