HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.830 of 2015

ORDER:

This revision is preferred challenging the order dated 09-04-2015 passed by the XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Hyderabad in Crl.M.P.No.1611 of 2014 in C.C. No.159 of 2014, wherein the discharge petition filed by the petitioner-accused was dismissed.

The brief facts of the case are as follows :

The petitioner - accused has collected a sum of Rs.3,18,035/- from the de facto-complainant to be paid as Value Added Tax to the authority concerned. After collecting the said amount, the petitioner - accused has not remitted the same to the authority concerned. Hence, the de facto-complainant lodged a complaint alleging that even though the said amount is collected by the petitioner – accused, he failed to deposit the same to the authority concerned.

The learned counsel for the petitioner – accused submitted that there is no business transaction between the petitioner – accused and the respondent – de facto-complainant and the complaint does not disclose any ingredients of the alleged offences against the petitioner –accused.

The relationship between the accused and the de facto-complainant as seller and purchaser is a matter of trial and hence this Court is of the view that the trial Court has rightly dismissed the discharge petition filed by the petitioner. This Court is of the view that the petitioner can raise all the points before the trial Court at the time of trial and also examination of the witnesses.

Accordingly, the Criminal Revision Case is disposed of. Consequently, the Miscellaneous Petitions pending, if any, in this revision shall stand closed.

RAJA ELANGO, J.

03rd June, 2015

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