

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1103 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 11.05.2015, passed in CrI.M.P. No.760 of 2015 in Crime No.100 of 2014, by the XI Additional Chief Metropolitan Magistrate, Khammam.

The brief facts of the case are that the petitioner is a company dealing with ATM replenishment of different Banks in Secunderabad and Hyderabad. During the course of audit on 24.03.2014 and 25.03.2014, it was found that there was a physical shortage of cash of Rs.65,97,900/- and on enquiry, A-1, who is one of the custodian of the petitioner's company, used the said money for gambling and bettings. Thereafter on a complaint given by the petitioner, a case in Crime No.100 of 2014 was registered with Marredpally police. During the course of enquiry, the police recovered Rs.10,00,000/- from A1 and deposited the same to the credit of the said crime. One Srinivas Dasari claiming to be the manager of the petitioner-company filed CrI.M.P. No.1619 of 2014 before the X Additional Chief Metropolitan Magistrate, Secunderabad and the Court below dismissed the said application. Aggrieved over the same, the said Srinivas Dasari filed CrI.R.C. No.2470 of 2014 before this Court.

During the course of arguments in the above CrI.R.C., the learned Public Prosecutor submitted that the said Srinivas Dasari has resigned from the service and he is not the authorized person to receive the cash. This Court disposed of the said CrI.R.C directing the learned Magistrate to verify as to the person, who is authorized to receive the cash for interim custody on behalf of the petitioner and then pass orders on terms and conditions.

In pursuance of the above orders, the petitioner-company represented by Ravikanth Ojha filed an application viz., CrI.M.P.

No.760 of 2015 seeking interim custody of the cash. The Court below on 11.05.2015 passed the following order:

“Petition is allowed. Interim custody of cash of Rs.10,00,000/- is ordered to be given to petitioner company represented by Ravikanth Ojha on his executing bond for Rs.10,00,000/- and on furnishing bank guarantee for the same amount and on furnishing undertaking that it will be produced in court during the course of trial as and when directed by court. Police shall take photos of cash of Rs.10,00,000/- at the cost of petitioner and file photos along with negatives in court. Panch identity slips shall be kept in closed cover in case bundle.”

Aggrieved by the above conditions, the petitioner-company filed this revision.

Heard and perused the material available on record.

Learned Counsel for the petitioner submitted that the order passed by the Court below is contrary to law and it failed to appreciate that the petitioner is ready to execute bond of Rs.10,00,000/-.

This Court perused the entire material available on record. As contended by the learned counsel for the petitioner, the petitioner bank has suffered a total loss of Rs.65,97,900/-. The police recovered a sum of Rs.10,00,000/- from A1, who is said to be the person working in the petitioner company. As per the orders in the earlier revision petition, the petitioner company authorized Ravikanth Ojha to receive the above cash. The said authorization was also not disputed by the prosecution. In the above circumstances, this Court is inclined to pass following order:

“The trial Court is directed to return the cash of Rs.10,00,000/- to the petitioner company represented by Ravikanth Ojha on his execution of bond for Rs.10,00,000/- (Rupees Ten Lakhs only), without insisting for bank guarantee. The other conditions in the order of the trial Court are relaxed.”

Accordingly, the Criminal Revision Case is partly allowed.
Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
KTL