

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.372 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent.

2. The petitioner, who is accused No.9 in Crime No.303 of 2015 of Gadwal Town Police Station, Mahaboobnagar District, filed this criminal petition under Section 438 Cr.P.C. seeking release in the event of her arrest in connection with the above crime registered for the offences punishable under Sections 406 and 420 IPC and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999.

3. The averments in the first information report are as under:

A-1 established a private finance company in the name and style of "Vaibhav Laxmi Mahila Podupu Sangam", Gadwal, enrolled women and got deposited huge amounts through her executive members, who are A-2 to A-10. It is said that since 2005, the informant has been saving Rs.100/- per month in the said company through executive member A-2. The informant has deposited a total amount of Rs.57,789/-. On 14.12.2012, the informant's wife took Rs.60,000/- as loan from the said finance company and repaid the loan amount by paying Rs.1,000/- per month. So far, the informant's wife is alleged to have repaid an amount of Rs.35,000/- and the balance to be paid is Rs.22,789/-. The informant also saved Rs.100/- every month in the name of his daughter since 2009 and so far, Rs.10,000/- has been saved in the same Mahila Sangam. When the informant went to A-1 and asked him to return the money saved by him in the name of his wife and daughter, A-1 replied to come after few days. The informant used to continuously visit the office of Podupu Sangham, but he has not received any money from A-1. The informant further stated that A-1 to A-10 and others cheated about 7,000 persons of Gadwal town

by collecting huge money through this fake samithi. Basing on these allegations, the above report came to be lodged.

4. Learned counsel for the petitioner submits that the petitioner/A-9 is only a member of the samithi and the executive member used to collect moneys from the public and give the same to A-1 who used to manage day-to-day affairs of the samithi. The allegation that huge amount of money was collected is incorrect. He further submits that most of the amounts have been repaid to the members and only part of the amounts have to be repaid. He further submits that the petitioner/A-9 resigned as a member of the company long back and she could not file any paper in support of the same since all the accused were arrested by the police at the time of search. He further submits that it is A-1 alone, who is responsible for the offence and that the petitioner is just a member of the company.

5. On the other hand, learned Public Prosecutor opposed the application. He submits that about Rs.11 crores has been collected from 7,000 members and the entire money has been misappropriated.

6. Learned Public Prosecutor opposed the same and also filed a counter affidavit of the Circle Inspector of Police, Gadwal Circle, Mahabubnagar District. A perusal of the counter affidavit would show that during the course of investigation, he addressed a letter to the District Co-operative Officer, Mahabubnagar, with a request to conduct detailed enquiry into all 58 societies and submit a report for identifying the actual loss committed by the management. In turn the District Co-operative Officer, Mahabubnagar, said to have addressed to the Commissioner, Co-operative Societies, Telangana State, seeking permission for ordering an audit. The learned Public Prosecutor, on instructions, state that the audit is still going on. Paragraph 7 of the counter affidavit state that after getting the detailed audit done by the District Co-

operative Officials, the police will proceed with further investigation as per merits of the audit findings.

7. That being the position and in view of the averments made in the counter affidavit that the police are not going to proceed further with the investigation till the audit report is available, the respondent Police are directed not to take any coercive steps against the petitioner/A-9 till the audit report is filed.

8. With the above observation, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date: 22nd March, 2016

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