

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13882 of 2016

ORDER:

This Criminal Petition is filed by the petitioner/ accused No.2, who is no other than Assistant Director of Handloom and Textiles, Guntur District, in Crime No.79 of 2016 of Vetapalem Police Station, Prakasam District registered for the offences punishable under Sections 409, 477-A r/w 34 I.P.C for the alleged embezzlement of the funds of the society, from April, 2011 to March, 2012, vide notice issued to him dated 22.08.2016.

2. Heard learned Counsel for the petitioner/ accused No.2 and also learned Public Prosecutor representing the State (AP). Perused the material placed on record.

3. Several contentions are raised by the learned counsel for the petitioner/ accused No.2 that without surcharge proceedings under Section 60 (1) of the A.P Co-operative Societies Act, 1964 (for short 'the Act') basing on enquiry report or inspection report either under Section 51 or 52 of the Act, criminal prosecution is not sustainable.

4. These are the matters to be considered as to the report is totally based on the enquiry report or any further material even excluding the same and thus any such submissions are left open to the petitioner/Accused No.2 to submit before the Investigating Officer concerned for consideration as part of investigation, thereby, there are no grounds to quash much less at the initial stage, but from the factual matrix, the petitioner is entitled to concession of bail.

5. Having regard to the above, the Criminal Petition is disposed of giving liberty to the petitioner/ accused No.2 to surrender before the Learned Magistrate concerned and move for regular bail with notice to learned Assistant Public Prosecutor concerned and in such event, the learned Magistrate shall grant bail with necessary conditions on the same day or atleast by the next day, at any cost shall not exceed 48 hours of arrest period.

Date:30.09.2016
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Dr. B.SIVA SANKARA RAO J,



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Dt.30.09.2016

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