

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45996 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records pertaining to Crime No.73 of 2014 on the file of Chintapalli Police Station, Visakhapatnam District, and quash the same.

Heard and perused the material available on record.

Initially, on the complaint lodged by the Deputy Director, District Treasury, Visakhapatnam, Crime No.73 of 2014 was registered against several employees of the Treasury Department for the offences under Sections 409, 420, 468 and 471 r/w.34 IPC. Thereafter, after receipt of the enquiry report of the Departmental enquiry, the crime No.19 of 2015 was registered for the offences under Sections 409, 468, 471, 420 and 120-B r/w.34 IPC.

It is the case of the petitioner that she is working as Additional District Medical & Health Officer, Guntur District, and while she was working as the District Medical and Health Officer, Visakhapatnam, on the requisition of the Additional District Medical & Health Officer, Paderu, she released funds for payments to be made towards salaries for the entire Paderu Division. Subsequently, she came to know that the said amounts were diverted only to one division and there was misappropriation of certain funds. Therefore, the above cases are registered.

The grievance of the petitioner is that from the date of registration of the above mentioned crimes, she has been treated as a witness and she appeared before the investigating officers on several

occasions and is cooperating with the investigating officer, and that on 22.12.2016, she received notice under Section 160 Cr.P.C., in connection with the above crimes and therefore, she is apprehending arrest in the above mentioned case.

Taking into consideration the circumstances of the case, and the grievance of the petitioner, and also the case pertains to the year 2014, without expressing any opinion on the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in either way, in Crime No.73 of 2014 on the file of Chintapalli Police Station, Visakhapatnam District, in accordance with law, without arresting the petitioner. The petitioner are also directed to surrender before the investigating officer concerned and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for her future appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 28, 2016.
KTL