

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14936 OF 2016

Between:

Jillella Srinivasulu ... Petitioner/Accused

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor [TG]
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Kalwakurthy Police Station,
Mahbubnagar district.

Counsel for the Petitioner: Sri K. Sreenivas

Counsel for the Respondent: Public Prosecutor [TG]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 14936 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioner/Accused under section 438 Cr.P.C. seeking bail in the event of his arrest in Crime No. 202 of 2016 of Kalwakurthy Police Station, Mahbubnagar district, registered for the offences under section 420, 468, 471, 473 of IPC.

2. The case of the prosecution is that the cheque book of Padakal Gram Panchayat was issued to the Panchayat Secretary to after opening online bank account. Thereafter, the cheque book was handed over to the Sarpanch, however, kept by J.Srinivas son of the Sarpanch. On verification by the Officer of Sub-Treasury Office, Kalwakurthy, it was found that SFC funds and 14th Finance Commission Funds of Rs.9,36,412/- were drawn from 21/12/2015 to 30/7/2016 by forging the signatures of the Extension Officer and the Panchayat Secretary.

3. Sri K.Sreenivas, learned counsel for the petitioner has drawn attention of this Court at page No.11, cheques issued report, wherein at serial No.15 to 27 alleged to be forged and withdrawn the amount. He submits that as per the procedure the cheques are signed by the Sarpanch and counter-signed by the Panchayath Secretary, Extension Officer and thereafter the cheques sent to Sub-Treasury Officer and transmit to MB record. After verifying all the facts only, the cheques are passed and sent to the concerned bank and thereafter the bank in turn after verification allow to withdraw the amount. He further submits that the Investigating Officer without taking the expert's opinion whether the petitioner forged the cheques or not, registered the above crime against the petitioner.

4. On the other hand, learned Additional Public Prosecutor appearing on behalf of the respondent/State submits that the Extension Officer and Panchayat Secretary have been examined, who denied their signatures and categorically submitted that they had not signed on the cheques in question. Even after issuing cheques after

signature of Sarpanch, Extension Officer and Panchayat Secretary, cheques were sent to Sub-Treasury Officer, who pass the cheques and thereafter MB book would be signed by the Executive Engineer. He states that neither the cheques sent to MB Record Officer nor Sub-Treasury Officer and the Executive Engineer has not signed on the MB book. Thus, the petitioner is the only person, who forged the signatures of Extension Officer and Panchayat Secretary. He has by-passed the procedure and by forging the signatures of Sarpanch, Extension Officer and Panchayat Secretary caused colossal loss to the State exchequer. Therefore, he opposed the petition and submitted that petitioner's custodial interrogation is very much required in the present case to unearth the whole gamut.

5. The petitioner filed the said petition seeks anticipatory bail, whereas the Police examined Extension Officer, Panchayat Secretary, Sub-Treasury Officer and Executive Engineer, who denied that the cheques in question never reached to them and they did not sign and pass the cheque.

6. Keeping in view the serious allegations against the petitioner, I am not inclined to admit the petitioner on anticipatory bail, as custodial interrogation is required in the present case.

7. The observations made in the present petition will not influence the trial court in any manner.

8. The Criminal Petition is accordingly dismissed.

9. As a sequel, miscellaneous petitions if any pending in this Criminal Petition shall stand disposed of.



JUSTICE SURESH KUMAR KAIT.

04/11/2016
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HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14936 OF 2016



Date: 04/11/2016
Circulation No. 100
Court Master: I s L