

THE HON'BLE SRI
JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No.13809 of 2016

ORDER:

The petitioner, who is A.3 in crime No.5/ACB-KNR/2016 of ACB Karimnagar, Karimnagar District, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with the above crime registered against the petitioner and two others for the offences punishable under Sections 7, 13 (1) (d) r/w.13 (2) of Prevention of Corruption Act, 1988 and Sections 498, 471 and 420 IPC against A.1 and A.2 and under Section 12 of Prevention of Corruption Act, 1988 against A.3.

Facts in issue, in brief, are that one Thummeti Sammi Reddy and Akkati Sanjeeva Reddy from head office ACB, TS Hyderabad conducted preliminary enquiry into the allegations of corrupt practices by A.1 and A.2. Accordingly, the Deputy Superintendent of Police caused preliminary enquiry on the allegations made and examined five persons who were victims in the hands of A1 and A2. During the course of enquiry, the first victim is alleged to have stated that he approached A1 for patta pass books in respect of his ancestral property for which A1 demanded and accepted Rs.4 lakhs in the month of May, 2015 and then issued patta pass books. The second victim by name Bitla Mohan is alleged to have stated that he applied for patta passbooks in the name of his father, for mutation of the land and he approached A2, who is alleged to have demanded an amount of Rs.50,000/-to be paid to A1 for getting his work done. The said amount is alleged to have been paid to A1. The third witness Sri

Padidala Surender Rao stated that he made a complaint under RTI Act to A1, with a request to furnish reasons and grounds for change in ownership in the pahani and requested A2 to make corrections, but A2 demanded bribe to rectify the record. The fourth witness Sri Darugula Rakesh, who owns a land in survey No.128/A stated that though he got pattadar pass books from revenue authorities, A1 issued pahani in favour of his villager Varkuti Madhan Rao and when enquired with A1 about the same, she is alleged to have demanded Rs.1 lakh to rectify pahani and accepted bribe amount through petitioner-A3 (car driver). He stated that though bribe amount was paid, his work is not yet done. Fifth witness namely Pittala Suresh stated that about 14 months prior, A1 visited their land with revenue records for enquiry and demanded and accepted a sum of Rs.1,50,000/- in two spells through A2 and A3 for doing a favour. Basing on the said statements of these witnesses, which were inquired pursuant to a report given by one Thummeti Sammi Reddy and Akkati Sanjeeva Reddy, the present crime came to be registered.

Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

Learned counsel for the petitioner submits that the petitioner is a private employee working under A.1 and he has no role to play in commission of offence. It is urged that he was acting under the instructions of his employer i.e. A.1 and as such it cannot be said that he is liable for punishment for the offences alleged. The same is opposed by the learned Additional Public Prosecutor.

A perusal of the material on record show that A.1 and A.2, against whom the allegations are mainly directed, were granted bail

by this Court vide a common order dated 27.08.2016 passed in CrI.P.Nos.12039 and 11955 of 2016. Since the petitioner stands on a better footing as that of A.1 and A.2, the petitioner shall surrender before the Court below and move an appropriate application seeking bail after giving prior notice to the Public Prosecutor, in which event, the same shall be considered in accordance with law on the same day or at the earliest.

Accordingly, the Criminal Petition is disposed of.

23.09.2016
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