

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.7481 of 2016

ORDER:

-

The petitioner, who is A2 in Crime No.41 of 2016 of Luxettipet Police Station, Adilabad 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 for an offence punishable under Section 420 of IPC.

The case of the prosecution is as under:

On 23.02.2016, at about 11.00 a.m., the informant lodged a report in telugu stating that the petitioner along with other accused promised him to provide a job in Central Government, for which they asre alleged to have demanded amount of Rs.4.50 lakhs. The informant credited Rs.2,50,000/- in the account of A1 and further paid Rs.1,25,000/- on two different dates. It is stated that though the accused promised to provide a job to the informant and took huge amount, but failed to do so. Basing on these allegations, the above crime came to be registered.

Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true, no offence under Section 420 of IPC is made out against the petitioner. It is urged that the petitioner never discussed about any money transactions with the informant. Learned public prosecutor opposed the same contending that on earlier occasion, this Court granted time to the petitioner to compromise the matter but the petitioner never made any effort in that regard.

Be that as it may, the confession made by A1 clearly indicates

that the petitioner was also present at the time of promise made by A1 to provide employment in Central Government. Pursuant thereto, the petitioner, in collusion with other accused, took Rs.1,82,500/- from the amount deposited by the informant. Hence, it is clear that the petitioner was also present at the time of promise made by A1 with regard to providing job in Central Government and as there is *prima facie* material to show that the petitioner along with others have intentionally cheated the informant, I am not inclined to consider his request.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

19.07.2016

vhb