

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No.1467 OF 2016

ORDER:

The petitioner, who is an Accused in Crime No.79 of 2015 of Kaikaluru Town Police Station, Krishna District, filed the present application under Section 438 CrPC., seeking release in the event of his arrest in connection with the above crime registered for the offence punishable under Section 409 of IPC.

The present case came to be registered on a complaint given by Divisional Cooperative Officer, Gudivada, alleging that the petitioner while working as a President of Kaikaluru and Kalidindi MPP Teachers Employees Cooperative Credit Society Limited, misappropriated an amount of Rs.10,58,499.25 ps. The report also indicates departmental action being taken against the petitioner, who worked as a president of the said Society.

The learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true no offence is made out against the petitioner. He submits that since the Society was defunct from the year 2006, the involvement of the petitioner is false and incorrect. It is further stated that the petitioner hails from a

respectable family and having good reputation in the public it is impossible to behave that he would involved in offences of this nature.

On the other hand, the learned Additional Public Prosecutor opposed the application contending that the enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short "the Act") clearly discloses the involvement of the petitioner in the offence and as such no leniency need be shown in the case of this nature.

A perusal of the material on record would show that on 14.08.2015 the Divisional Cooperative Officer, Gudivada, lodged a report showing 13 incidents wherein the petitioner working as a President of the Kaikaluru Kalidindi MPP Teachers ECCS Limited misappropriated an amount of Rs.10,58,499.25 ps. The Enquiry Officer suggested criminal action against the petitioner, as such the District Collector accorded sanction to prosecute the petitioner. Prior to the lodging of the proceedings, an enquiry under Section 51 of the Act was ordered into the affairs of the said Cooperative Credit Society. After initiating surcharge proceedings under Section 60(1) of the Act an order was issued by the Deputy Registrar of Cooperative Societies, Gudivada on 29.07.2013 wherein the allegations of misappropriated was found to be true.

It is to be noted that no material has been placed before this Court to show that appeal was filed against the order passed under Section 60(1) of the Act. It appears to be a case where the said order has become final. Merely because the petitioner is working as a Teacher does not by itself entitle him for grant of anticipatory bail. Having regard to the allegations made in the report which is based on the report of the Enquiry Officer, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Dt:16.02.2016

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