

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2979 OF 2015

ORDER:

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This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 by the petitioner/*de facto* complainant challenging the order, dated 4.9.2015, in Crl.M.P.No.729 of 2015 in C.C.No.396 of 2008 on the file of the XI Additional Chief Metropolitan Magistrate at Secunderabad.

2. The petitioner/*de facto* complainant filed a private complaint against respondent Nos.2 to 4/A-1 to A-3 before the XI Additional Chief Metropolitan Magistrate at Secunderabad for the offences punishable under Sections 406, 420 and 463 read with Section 120-B I.P.C. After completion of investigation, police filed charge sheet for the offences under Sections 406 and 406 read with 34 I.P.C. against A-1 to A-3. While so, the Court below framed a charge for the offence punishable under Section 406 I.P.C. only against A-1 to A-3. Hence, respondent No.1 filed Crl.M.P.No.729 of 2015 under Section 216 Cr.P.C. requesting the Court below to frame an additional charge against the accused under Section 406 read with 34 I.P.C. and the same was dismissed. Challenging the same, the *de facto* complainant filed the present Revision Case.

3. Heard and perused the material on record.

4. Considering the facts and circumstances of the case, this Court is of the view that the learned Magistrate ought to have framed a charge under Section 406 read with 34 I.P.C. because the charge sheet was also filed for the offences punishable under Sections 406 and 406 read with 34 I.P.C. Further, from a reading of the complaint, it is clear that respondent Nos.3 and 4, being the Managing Director and Executive Director of Rajvir Industries Limited, Secunderabad, on

behalf of respondent No.1, represented to one L.N.Agarwal (L.W.2) to issue signed blank cheques of Suryalakshmi Cotton Mills pertaining to Andhra Bank, Tirupur Branch for efficient management of Mahabubnagar Unit and Tirupur sales in order to avoid delay in the issuance of the cheques in favour of third parties. Accordingly, L.W.2 has entrusted signed blank cheques of Andhra Bank to A-2 and A-3, which were later misused by them for the purpose of cheating. Hence, the offence under Section 406 read with 34 I.P.C. should be framed along with Section 406 I.P.C. Therefore, the trial Court is directed to frame an additional charge under Section 406 read with 34 I.P.C., proceed further and dispose of the case in accordance with law.

5. With the above direction, the Criminal Revision Case is disposed of.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

25.7.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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