

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13469 of 2016

ORDER:

Heard learned counsel for the petitioner/Accused and learned Additional Public Prosecutor and perused the material available on record.

2. The petitioner/Accused filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.105 of 2016 of Mahaboobnagar II Town Police Station, Mahaboobnagar District, initially registered for the offence punishable under Section 420 IPC. Subsequently, police added Section 56 of the Andhra Pradesh Chit Funds Act, 1971 and Section 5 of the A.P. Protection of Depositors of Financial Establishment Act, 1999.

3. The case of the prosecution is that on 26.04.2016 at about 0800 hours, the then Station House Officer received a Telugu written report from the informant, in which he stated that the petitioner has collected chits amount from him and some others and later fled away along with his family. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner submits that the allegations made in the report are all false; that the informant and the petitioner are working together and are having financial dealings between them; that due to disputes arose between them, the informant created a false story with an intention to harass the petitioner.

5 Placing reliance on the list of subscribers, it is concluded that the name of the subscriber is mentioned at more than one place and as such the list itself is false.

6. Learned Additional Public Prosecutor opposed the same contending that about 19 subscribers are examined and all them speak about the fraud committed by the petitioner.

7. On a perusal of the list, it is clear that though names of persons are repeated at more than once, it is to be noted that they are subscribers to different chits. Hence, their names were repeated at more than one place. The person, who is at Sl.No.1 of the list, was the subscriber of a chit for Rs.2.00 lakhs. The name of the same person was shown as a subscriber of Rs.5.00 lakhs and Rs.4.00 lakhs chits. Therefore, there is nothing wrong in showing the name repeatedly. Similarly, the person at Sl.Nos.13, 14 and 15 are also the subscriber of different chits.

8. The material on record discloses the involvement of the petitioner as he collected huge amounts from the public promising to give high return. Having regard to the circumstances, the case of the petitioner cannot be considered.

9. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

SEPTEMBER 20, 2016

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Date: 20.09.2016

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