

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 2172 of 2016

ORDER:

Assailing the order dated 03.05.2016 passed in CrI.M.P. No.568 of 2016 in C.C. No.658 of 2015 on the file of the XIII Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District, wherein and whereunder an application filed for discharge of the petitioner/A-5 was dismissed, the present Revision came to be filed.

2. The facts in issue are as under :-

On 23.06.2012 at about 4.00 p.m., the informant along with her sister-in-law went to the road to get an Auto rickshaw to take her mother to Hospital. As no auto rickshaw was available on the road, they were walking back to their home. When they reached Krishna temple, some unknown offenders came in opposite direction on two motorcycles and snatched away two rows of gold pusthelathadu with two pusthelu and four beads. After observing the pillion rider, she gave a report before the S.H.O., Ghatkesar, Cyberabad and the same was registered as FIR in Cr.No.186 of 2012 under Sections 356 and 382 IPC. During the course of investigation, A-2 and A-3 were arrested in another crime in which, they confessed about the commission of the offence in the present crime. A-2 further confessed that himself along with A-1, who subsequently died, committed the present crime and sold the stolen articles of the present crime and other crimes to A-4 and the petitioner who are the

staff members of Muthoot finance. After completion of investigation, a charge-sheet came to be filed against the petitioner and other accused. While things stood thus, the petitioner filed CrI.M.P.No.568 of 2016 under Section 239 Cr.P.C., seeking discharge on the ground that he hails from a respectable family and after his retirement from State Government service he has been working as a Vigilance Officer in Muthoot Finance Limited, Hyderabad since 2010. It is further stated that he is working as Vigilance Officer and he is noway concerned with the pledging and giving loans on the golden articles to the customers and that police have falsely implicated him in this case without any basis. After hearing both sides, the trial court dismissed the said petition on 03.05.2016. Challenging the same, the present Revision is filed.

3. Learned counsel for the petitioner mainly submits that even accepting the allegations in the charge-sheet to be true no offence is made out against the petitioner. Learned counsel for the petitioner mainly urged that the petitioner being Vigilance Officer has no role or nexus in sanctioning the gold loans to the customers and it is the domino of concerned Branch Managers only. He further submits that no *prima facie* case is made out against the petitioner to frame charge and hence seeks discharge. The same is opposed by the learned Additional Public Prosecutor.

4. It is to be noted that earlier the petitioner moved CrI.P.No.10965 of 2016 before this Court seeking to quash the proceedings in C.C.No.658 of 2015 on the file of XIII Metropolitan

Magistrate, Cyberabad, Ranga Reddy District, but the same was dismissed by this Court on 27.07.2016 holding that the material on record reveals a prima facie case against the petitioner. The order was passed after rejection of the discharge application. Further, a reading of the charge-sheet shows that the petitioner along with A-4, are encouraging/entertaining the thieves for chain snatching and then used to give loans when they pledge the said stolen articles. Though counsel states that case against the petitioner is based on the confession of co-accused, but still it is for the trial court to decide whether the said material is sufficient to convict the accused. Since the allegations made are quite grave and having regard to the material available on record, I am not inclined to interfere with the order. Having regard to the above circumstances, I see no merits to discharge the petitioner.

5. Accordingly, the Criminal Revision Case is dismissed. However, the court below shall deal with the matter independently and proceed with the same un-influenced by the observations if any made by this court. As a sequel to it, miscellaneous petitions pending if any, in this Revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date: 29.09.2016
GM