

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.9463 of 2016

ORDER :

The petitioner, who is sole accused in Crime No.98 of 2016 of Miryalguda I Town Police Station, Nalgonda District, filed the present application under Section 438 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 that one Repakula Rajesh lodged a report stating that he used to purchase Jowar from the cultivators and sell it on commission basis. It is stated that on 07th, 22nd and 29.03.2016, he sold 54 tons of Jowar to the petitioner through a broker namely Gunturu Pavan Kumar. It is stated that the accused paid Rs.3,27,700/- and he promised to pay the balance amount within one month by depositing it to his account, but failed to do so. It is further alleged that the accused failed to repay the loan amount taken by him from several other persons. Basing on these allegations, the present case came to be registered.

Heard learned counsel for the petitioner, learned Public Prosecutor and perused the records.

Learned counsel for the petitioner mainly submits that the allegations made in the report are false and are invented for the purpose of the case and that the petitioner never fell due any amounts to the informant or others. Learned public prosecutor opposed the same.

The material collected during the course of investigation would show that the informant supplied Jowar to the accused for agricultural purpose and also non payment of the amount to the informant and

others.

In view of the fact that 54 tons of Jowar was supplied to the petitioner by the informant in the presence of one Gunturu Pavan Kumar, which grain was collected from the riots and having regard to the fact that amount of Rs.11,67,110/- is not paid even after receiving entire quantity, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed. However, the petitioner if so advised shall surrender before the Court concerned and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest.

JUSTICE C. PRAVEEN KUMAR

18.07.2016

vhb