

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No. 1983 OF 2016

ORDER:

The petitioner, who is A-2, preferred the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.3 of 2016 of Nindra Police Station, Chittor District registered against him and another for the offence punishable under sections 409, 468 and 471 read with 34 IPC.

The case of the prosecution is as under :

The informant who is working as a Deputy District Medical and Health Officer, Nagari, lodged a report complaining about the irregular withdrawals of GPF amount from the staff accounts by the petitioner and another, who were working as Senior Assistant and Medical Officer respectively. A reading of the said report shows that one Smt. K.Sailaja, lodged complaints with District Medical and Health Officer, Chittoor, pursuant to which, Additional District Medical and Health Officer (A&L), Tirupathi was appointed as Enquiry Officer to enquire into the allegations levelled and enquiry report came to be submitted stating that the petitioner herein has irregularly drawn the GPF amount from the staff account and also committed misappropriation of

Government funds by tampering with the office records and by forging the medical records along with one Dr.S.A.K.Jahangir. It was further stated that continuation of these persons, who are responsible for the above irregularities, in the same place may cause tampering of records and evidence. The averments in the report further disclose that the petitioner was kept under suspension and audit team was directed to conduct audit of the accounts of Primary Health Centre, Nindra for the period 2011-12. The report also discloses that the complaints made by certain staff against the petitioner and another about the amounts not being remitted into their accounts were found to be true. The Accountant General, audit party which also visited the primary health centre found certain financial irregularities committed by the petitioner and another. Basing on the said allegations the above report came to be lodged.

The learned counsel for the petitioner mainly submits that the allegations made against the petitioner are incorrect and false. He submits that there may be some delay in crediting the amounts to the accounts due to administrative reasons, but that by itself cannot be a ground to say that the petitioner has involved himself in certain financial irregularities.

The learned Additional Public Prosecutor opposed the

application stating that the report of the Enquiry Officer and the financial audit amply establish the involvement of the petitioner.

As seen from the record, the audit party from the office of A.P. Accountant General conducted the audit and found certain irregularities committed by the accused. Apart from that the Additional District Medical and Health Officer who was also directed to conduct an enquiry found financial irregularities committed by the petitioner along with A-1. The statements of the witnesses more particularly the statement of the 4th victim K.Sailaja amply establishes that the amounts due to them were not credited to their account. The said statement shows that the petitioner is alleged to have misappropriated an amount of Rs.1,99,800/- by not crediting the amounts to the accounts of the victims. The arguments of the petitioner could have been accepted, had there been a delay of depositing the amount by a month or two, that does not appear to be the situation in the present case. The statement of L.W.1 who conducted the enquiry speaks about the manner in which the documents were forged and also as to how the money was swindled. It may be true that the Tribunal has stayed the order of suspension, but it is to be noted that the reason for suspension was on technical ground but not on merits of the matter.

Having regard to the circumstances, I am not to inclined to grant anticipatory bail to the petitioner. However, the petitioner is directed to surrender himself before the Court concerned and move an application for regular bail by giving prior notice to the learned Public Prosecutor concerned, and in such an event, the same shall be dealt with in accordance with law either on the same day or at the earliest.

With the above direction, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt:01.03.2016

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