

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6887 of 2017

ORDER:

Heard learned counsel for the petitioner/ A3 of S.C.No.2 of 2015 on the file of the District and Sessions Judge, Kadapa, which is an outcome of Crime No.197 of 2013 of Porumamilla Police Station, Kadapa District, registered for the offences punishable under Sections 406, 420 I.P.C. and Section 5 of A.P.Protection of Depositors of Financial Establishment Act, 1999 (for short 'the Act') and also heard learned Public Prosecutor representing the State.

The contention of the learned counsel for the petitioner is that the petitioner/ A3 resigned as Director of the Entity w.e.f. 22.10.2012.

In fact, as per the Act, it is to be seen when the amount fallen due within the meaning of the Act to constitute the offence. Even resignation subsequently is not a ground to absolve and the material before this Court is imperfect and unclear in this regard. Hence, there is nothing for this Court to keep the matter pending.

Having regard to the above, this Criminal Petition is disposed of, giving liberty to the petitioner to file an application under Section 239/ 227 Cr.P.C. if at all charges not framed to seek discharge and even any charges are framed, for deletion or alteration of said charges under Section 216 Cr.P.C.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 08.08.2017
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