

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.9274 and 9388 of 2017

COMMON ORDER:

These two Writ Petitions are filed challenging registration of Crime No.344 of 2016 by the Station House Officer, Yellandu Police Station, Badradri, Kottagudem District, pursuant to the complaint lodged by the Assistant Registrar, Field (Co-operative Department), Yellandu, in respect of the irregularities that took place in 21 Incline Employees Co-operative Society Limited, Yellandu.

Learned Counsel appearing for the petitioners submit that the petitioners are ex-officio office bearers of the Society and they were not elected office bearers. It is also further submitted that there is a special provision in the Andhra Pradesh Cooperative Societies Act for prosecuting the office bearers for any irregularity committed by them. But, in the instant case, the provisions of Indian Penal Code are invoked and they are not applicable to the petitioners, since the petitioners are not public servants while discharging duties as office bearers of the Society.

However, since the case is under investigation, this Court is not inclined to give a finding on the pleas raised by the learned Counsel for the petitioners, but the Investigating Officer shall conduct the investigation in accordance with law by

complying with the provisions of Section 41-A of the Code of Criminal Procedure.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.03.2017
vs

