

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7702 of 2017

ORDER:

Heard the learned counsel for the petitioners/Accused 2 to 5 of Cr.No.154 of 2017 of P.S.Ameenpur, Sanga Reddy, registered for the offences punishable u/sec.420 and 408 IPC for alleged misappropriation of funds and breach of trust and cheating, on the report of the 2nd respondent/defacto-complainant/MPDO and the learned Public Prosecutor for the 1st respondent/State and perused the grounds urged in the petition.

It is one of the contentions that they spent the amounts as per the norms and there is no any misappropriation of amounts and therefrom criminal breach of trust much less cheating. It is a matter to be investigated. There is nothing to interdict the investigation but for to say as the offences are not punishable more than 7 years, if any arrest of the petitioners is required, the police shall strictly follow Section 41-A of CrPC, and also the guidelines in **Arnesh Kumar Vs. State of Bihar**¹, as the offences mentioned are not punishable above 7 years.

In the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.09.2017
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¹ (2014) 8 SCC 273