

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1324 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. to enlarge the petitioner in the event of his arrest on bail in Crime No.158 of 2016 of Maddur Police Station, Mahabubnagar District, registered for the alleged offences punishable under Sections 406 and 409 of I.P.C., apprehending his arrest in the above crime.

The Executive Officer of Panchayat Raj Rural Development Mandal Parishad, Maddur, Mahabubnagar District, lodged a complaint dated 16-11-2016 with Sub-Inspector of Police, Maddur Police Station, alleging that the petitioner misappropriated the huge amount in the following manner:

“Petitioner committed misappropriation of funds from 14th Finance Commission Funds, he was directed to pay electricity bills issued cheque bearing No.004952 on 19-4-2016 for an amount of Rs.80,000/- but it was tampered as Rs.1,80,000/- and drawn the said amount and cheque bearing No.004951 for 0049 for an amount of Rs.1,43,733/- and same was altered as Rs.2,23,735/- deposited into his account and misused the Government funds. He also collected an amount of Rs.12,000/- Grampanchayat tax from Gokul Nagar used for his own.”

Thus, he misused the public funds for his personal benefit. On the strength of the complaint of Executive Officer of Panchayat Raj Rural Development Mandal Parishad, Maddur, Mahabubnagar

District, police registered crime against the petitioner for the above offences and issued F.I.R.

The contention of the petitioner is that petitioner paid Rs.80,000/- towards electricity consumption charges and utilized the entire balance towards bore well works and thus, he did not misappropriate any amount being Panchayat Secretary.

According to the counsel for the petitioner, petitioner spent an amount of Rs.2,56,383/- besides payment of Rs.80,000/- towards electricity consumption charges. This contention is suffice to conclude that the petitioner materially altered cheques and withdrawn the amount. But the contention that the petitioner spent Rs.2,56,383/- for digging bore well is not substantiated by any evidence even otherwise he is not supposed to materially alter the cheques and withdraw the amount. As such, I find prima facie material against the petitioner to conclude that the petitioner committed the offences and consequently, it is not a fit case to grant pre-arrest bail to the petitioner and as such, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 21-2-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 21-2-2017.

Dvs