

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3218 of 2011

ORDER:

This petition is filed seeking for quash of the notice dated NIL in CRLMP.No.129 of 2008, issued by the Chief Judicial Magistrate, Sangareddy, Medak District, Andhra Pradesh.

2. Heard the counsel for the petitioners and the Public prosecutor appearing for respondent Nos.1 to 4 and 6. None appears for the 5th respondent.

3. The counsel assails the propriety of the said impugned order on the ground that he is not concerned with the said dispute. He contends that the petitioner is only a Bank, which has proceeded under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and after satisfying the loan of the petitioner, it has refunded the amount to the 2nd respondent, who is the Joint Commissioner of Labour, as per procedure. Now the notice, which is issued by the court is to the effect that the Joint Commissioner of Labour, Ranga Reddy Zone, Hyderabad filed a Memo stating that the petitioners herein transferred only Rs.1,45,09,307/- leaving the balance amount of Rs.1,72,49,380/-. The said amount is the amount, which the 5th respondent is due to pay to the labourers. The Joint Commissioner of Labour is acting on behalf of the labourers respondent for realising the said amount from the 5th respondent. The petitioners herein are not concerned with the

payment of the said amount to the Joint Commissioner as they do not have any liability. The public prosecutor does not refute the truth of the said contentions. If the said contentions are accepted, there cannot be any notice issued to the petitioners to pay the amount, which was appropriated by due process of law.

4. Hence, in view of the above, this court opines that the notice issued to the petitioners in respect of the said amount cannot be sustained and hence, it is liable to be quashed.

5. With the above observations, the Criminal Petition is allowed and the notice dated, NIL, issued by the Chief Judicial Magistrate, Sangareddy, Medak District, Andhra Pradesh, is hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 27, 2017
LMV

T. RAJANI, J