

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2493 of 2017

ORDER:

This criminal petition is filed by the petitioner under Section 438 of Cr.P.C. to direct the Station House Officer, Banswada PS, Kamareddy District, to release him on bail in the event of his arrest in connection with Cr.No.64 of 2017, registered for the offence punishable under Section 409 of IPC.

2. The Inspector of Posts, Bodhan Sub Division, lodged a complaint before the Banswada PS on 07.03.2017 alleging that the petitioner has been working as Gramin Dak Sevak Mail Deliver in Banswada Post Office since 1992 and he worked as Customer Service Provider (CSP), Banswada Post Office for the period from 05.08.2015 to 13.06.2016 for disbursing the payments of Social Security Pensions and MGNREGS payments and he allegedly misappropriated cash of Rs.1,66,117/- during the said period.

3. The main contention of the learned counsel for the petitioner is that the petitioner has put up 25 years of service and till date he did not commit any such offence, though he handled huge amount while working as CSP. He further contended that prior to the petitioner, one Svaranjani, worked as CSP on out sourcing basis, has misappropriated the amount and as such she was removed and entrusted the additional duties to the petitioner. Later it has been found that a sum of Rs.1,66,117/- fell short of from the funds of social security pension and MGNREGS and the complainant without the consent and knowledge of the petitioner, deducted the said amount from the account of the petitioner on 28.04.2016 and later the said amount was shown as recovered from Smt. Shivaranjani and passed a receipt dated 12.05.2016

and on the strength of the same, he contended that she is the person responsible for the misappropriation of the amount and not the petitioner and seeks to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor opposed the bail petition contending that the petitioner himself was responsible for the misappropriation of the amount, as Shivaranjani, CSP worked from 28.09.2014 to 12.08.2015 only. Thus by the date of alleged receipt dated 12.05.2016 she was not an employee and thereby, the petitioner alone is responsible for misappropriation of the amounts and prays for dismissal of the petition.

5. It is clear from the material on record that this petitioner was placed as CSP for disbursing the social security pensions and MGNREGS payments from 05.08.2015 to 13.06.2016. During the said period, he dealt with an amount of Rs.12,61,884/- but he deposited only Rs.10,95,727/- and he did not deposit Rs.1,66,117/-, which is allegedly misappropriated. Learned counsel for the petitioner while contending that Shivaranjani, CSP (engaged on out sourcing basis) alone was responsible and not the petitioner. Even according to the documents produced before this court i.e., daily accounting sheet under outsourcing, (Code: 2) Report on U.C.R. for the period from 12.05.2016 from time:10:33 to 12.05.2016 to time: 16:27 shows that an amount of Rs.1,66,117/- was credited to the account of B.Shivaranjani, CSP. But when she was not at all an employee during the said period, the question of crediting the amount by her i.e., Shivarajani does not arise. Since the petitioner was in-charge of the CSP for payments of Social Security Pensions and MGNREGS payments, he is alone responsible *prima-facie*. Therefore, the petitioner, who misappropriated the public

funds i.e., beneficiaries under the scheme of Social Security Pensions and MGNREGS payments, deprived the real beneficiaries and misappropriated the same and he does not deserve for sympathy. Hence, I find *prima facie* material to conclude that he is alone responsible for such misappropriation of the amounts and I find no ground to enlarge the petitioner on pre-arrest bail. Consequently, the criminal petition is liable to be dismissed.

6. In the result, the criminal petition is, dismissed.

M. SATYANARAYANA MURTHY, J

Date: 11.04.2017
BSS



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