

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1303 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.15, seeking to quash the proceedings in Crime No.4 of 2018 on the file of the Nellore I Town Police Station, SPSR Nellore District, registered for the offences under Sections 420, 468, 471 read with 34 of I.P.C. and Section 66(c) of the Information Technology Act, 2000.

2. Heard the learned counsel for the petitioner/A.15, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/A.15 would submit that the petitioner/A.15 was mechanically remanded to judicial custody. In the remand report as well as in the First Information Report, there are no allegations constituting the aforesaid offences and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioner/A.15.

5. As per the material placed on record, the petitioner/A.15 and others are fair price shop dealers. On a report, dated 10.01.2018, lodged by the Assistant Supply Officer, Nellore, this case is registered and is under investigation. As per the confession of accused No.1 in this case, his close friends jointly

decided to hack the User ID and Password of the Joint Collector and District Supply Officer, Nellore, to operate ePOS website for activating the YAP Cards with the Aadhar number of other persons in place of VRO's authentication, within an intent to gain wrongfully from Fair Price Shop dealers. The innocence or otherwise of the petitioner/A.15 is yet to be established in the course of investigation. Since final report is not yet filed, it is not appropriate to express any opinion with regard to the innocence or otherwise of the petitioner/A.15. Further, continuation of investigation cannot be said to be abuse of process of law, under the facts and circumstances of the case, the Criminal Petition is devoid of merit and is liable to be dismissed.

6. Hence, the Criminal Petition is dismissed

Pending Miscellaneous Petitions, if any, shall stand closed.

07th February, 2018
Bvv

Dr. SHAMEEM AKTHER, J