

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.406 of 2018

ORDER:

Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State.

The present revision case is filed questioning the orders passed in CrI.M.P.No.1568 of 2017 in C.C.No.97 of 2015 dated 26.12.2017 on the file of the Court of the VI Additional Chief Metropolitan Magistrate, Hyderabad, dismissing the petition filed to discharge the petitioner for the offences charged under Section 406 and 420 IPC.

The facts of the case are that the de facto complainant i.e., the 2nd respondent herein lodged a complaint stating that she invested an amount of Rs.10,000/- on 02.09.2002 and her husband opened an account in March, 2006 on an assurance from M/s. Way to Wealth Brokers Pvt., Ltd. Up to 2011, she paid a total sum of Rs.2,47,75,779/- through cheques in favour of the petitioner. However, the petitioner committed criminal breach of trust, misappropriated the money and finally cheated her. Pursuant to the complaint, a crime was registered Vide FIR.No.18 of 2012 for the offences under Sections 406 and 420 IPC. After investigation, the charge sheet was laid showing the petitioner liable for the offences charged against her, since she diverted the amounts to some other clients, who had no connection with them. The Court below, after taking cognizance of the offences,

numbered the case as C.C.No.97 of 2015. During the pendency of the said C.C., the petitioner filed a petition vide CrI.M.P.No.1568 of 2017 to discharge her for the offences charged against her. After hearing, the Court below dismissed the said petition by orders dated 26.12.2017. Aggrieved by the said orders, the present revision case is filed.

Learned counsel appearing for the petitioner would contend that the ingredients of the offence alleged against the petitioner are not made out and when the prosecution has deleted the name of A2, the petitioner also stands on the same footing and her name also would have been deleted, since the loss incurred is only a trading loss. He also contended that the matter is civil in nature. Since the loss occurred to the victims in the case is during the course of trading transaction and it is not by any act of the petitioner, there is no intentional knowledge on the part of the petitioner to cause loss to the de facto complainant and LWs.2 to 4. However, the learned counsel, after arguing the matter for sometime, on questioning by the Court, seeks permission of the Court to withdraw the revision case. However, he sought to dispense with the presence of the petitioner before the Court below, she being a woman.

Permission accorded.

The criminal revision case is dismissed as withdrawn. However, the presence of the petitioner in C.C.No.97 of 2015 on the file of the VI Additional Chief Metropolitan Magistrate,

Hyderabad, is dispensed with during the course of hearing, except on the occasions where her presence is required for disposal of the said calendar case.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 27.06.2018.
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