

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.11852 OF 2013

ORDER:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioner - accused No.2 seeking to quash the proceedings in Calendar Case No.61 of 2007 on the file of the Principal Special Judge for Special and ACB Cases, Hyderabad, registered for the offences punishable under Sections 420, 409 read with 109 and 120-B of the Indian Penal Code, 1860.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner submits that the petitioner has no role with regard to the special funds, but the charge sheet speaks that this petitioner has a specific role to play and that he was exclusively meant to look after the financial affairs and he, intentionally and wilfully did not quote the rule position while drafting the office note. There are several witnesses mentioned in the list of witnesses to speak about the special funds, rule position and the role of the accused persons and the allegation of conspiracy is also made against this petitioner. Hence, unless a detailed inquiry is caused, the role of this petitioner will not come out, which can be done only during trial.

4. In view of the above, the judgment relied on by the learned counsel for the petitioner in **Abdulla Mohammed Pagarkar v. State (Union Territory of Goa, Daman and Diu)**¹, will not help to the petitioner.

5. In view of the above, the present Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

November 14, 2018
Mgr

SMT. T. RAJANI, J



¹. (1980) 3 SCC 110