

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.7118 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/accused seeks to quash the proceedings against him in Crime No.247 of 2017 of Suryapet II Town PS, registered for the offences under Sections 406, 409, 420 IPC and Section 7 of Essential Commodities Act (for short "E.C.Act").

2) The brief allegations in the FIR are that the accused took lease and running Ashoka paraboiled modern rice mill at Industrial estate in the name of Manjunadha rice industry and in the year 2016-17, rabhi season, Civil Supplies Department allocated the paddy of 29,098-80 quintals to the said mill from IKP/PACS centres. In the said paddy, the said person milled 68% (73 ACK rice or 19,787-18 quintals) and handed over to FCI godowns but the said mill owner handed over only 16,198-65 of paddy kept the same in FCI godowns and there was shortage of supply of 5,227-25 paddy, whose value is Rs.99,78,930/-. In the complaint, it is alleged that the accused illegally sold the Government paddy of 5,227-25 quintals in open market and cheated the Government.

3) Having regard to the gravity of the allegations made in the complaint, it is not a fit case to quash the proceedings. Therefore, the investigation shall lead to its logical conclusion. However, having regard to the submission of learned counsel for petitioner that subsequently in December, 2017, January to March and May, 2018, the accused has supplied the deficit quantity of rice to the authorities, the Investigating

Officer is directed to scrupulously follow the guidelines rendered by Hon'ble Apex Court in the decision reported in *Arnesh Kumar vs. State of Bihar*¹ and also the procedure contemplated under Section 41-A Cr.P.C during the course of investigation towards petitioner/accused. In turn, the petitioner shall cooperate with the investigating agency for smooth completion of investigation.

4) Accordingly, this Criminal Petition is disposed of.

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

Date: 11.07.2018

Note: Issue CC by tomorrow.
(b/o)
scs

U. DURGA PRASAD RAO, J



¹ AIR 2014 SC 2756