

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.7886, 7894, 7952 and 7956 of 2018

COMMON ORDER :

In all the four criminal petitions Gidda Dhana Raju is the accused respectively of A.4 in C.C.No.33 of 2014, A.8 in C.C.No.31 of 2014, A.6 in C.C.No.30 of 2014 on the files of II Additional Judicial First class Magistrate at Eluru and A.1 in C.C.No.3 of 2015 on the file of the II Additional Judicial First Class Magistrate at Kakinada, East Godavari District, registered for the offences punishable under Sections 420 read with 120-B IPC. It is after registration of the crimes from the respective reports of the *de facto* complainants by Tadepalligudem Town Police Station as Crime No.48 of 2012, dated 19.02.2012 (C.C.No.33 of 2014), Achanta Police Station as Crime No.18 of 2012, dated 11.04.2012 (C.C.No.31 of 2014), Elamanchili Police Station as Crime No.34 of 2012, dated 11.04.2012 (C.C.No.30 of 2014) and Kothapeta Police Station as Crime No.29 of 2012, dated 03.03.2012 (C.C.No.3 of 2015), the police when started investigation, the investigation taken up by CB, CID Police, viz., CID, RCIU, Rajahmundry, and filed the police final report.

2. So far as C.C.No.33 of 2014 concerned, a perusal of the charge sheet shows as many as 53 witnesses including the Investigating Officers among LWs.50 to 53 were examined and their statements also filed. The F.I.R. shows that in January 2011 Gidda Dhana Raju,

the petitioner herein, of Duvva Village of West Godavari, came to the *de facto* complainant and by saying there are vacancies in ONGC and he will arrange to provide jobs provided they to arrange money and introduced Kotipalli Srinvas, Suryaraopalem village of neary Duvvada village and it is subsequently the amounts were paid from the deception to the *de facto* complainant through Kotipalli Srinivas, etc., and they played fraud and cheated by not providing jobs and taken the amounts. Even in one of the statements of the witnesses, it also reflected. Similar is the cases in all the other. One of the contentions in the quash petitions in the four case are that no offence made out against the petitioner and if at all any amount paid is only to Kotipalli Srinvias and if at all the petitioner was present at the time of any payment, at best, it is a breach of contract between Kotipalli Srinivas and those persons and he cannot be made liable. It is not a case of *prima facie* non-sustainability of the accusation to quash the proceedings, but for requirement of the meticulous examination of several witnesses in each of the case cited by the CB CID after investigation, leave about the submission of the learned Public Prosecutor that there are eight more cases pending against the petitioner in similar lines of several public were cheated for his luring under the guise of providing jobs. Having regard to the above, this Court is not able to quash the proceedings, but for disposal of the criminal petitions by left open any of the defences before the trial

Court including for any filing of application for discharge if no grounds to frame charges, if charges so far not framed.

3. With these observations, the criminal petitions are disposed of.

Miscellaneous petitions pending, if any, shall stand closed in four criminal cases.

Dr. B. SIVA SANKARA RAO, J

28th November 2018.

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