

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 9730 OF 2011

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C., seeking to quash the Proceedings in Crime No. 913 of 2007 of Saroornagar Police Station, Cyberabad, in C.C.No. 1044 of 2008 on the file of the Court of XI Metropolitan Magistrate, Ranga Reddy district at L.B.Nagar, registered for the offence punishable under section 409 of I.P.C., against the petitioner/A-3.

2. Heard the learned counsel for the petitioner/A-3 and the learned Public Prosecutor appearing for the respondent/State.

3. The allegation as per the F.I.R., are that there was misappropriation of some amount to an extent of Rs.10,00,000=00 [Rs. Ten Lakhs only] from the A.T.M., [Automated Teller Machine] of Canara Bank and that the first accused and this petitioner/A-3 were responsible, being the key-holders of the A.T.M.

4. The counsel for the petitioner submits that there was a departmental enquiry against A-1 to A-3 and in that departmental enquiry there are categorical findings against only A-1 who is responsible for the said misappropriation but however the observation against this petitioner is that he being the one of the second key-holders was guilty of lapses and minor punishment was

imposed against him. However, the proceedings in the departmental enquiry report show that this petitioner/A-3 is not the custodian of the cash and that he was only negligent with regard to verifying and tallying physical cash.

5. Hence, in view of the above, this Court opines that the alleged acts of this petitioner/A-3 would not attract the offence punishable under section 409 of I.P.C. Hence, further proceedings in C.C.No. 1044 of 2008 on the file of the Court of XI Metropolitan Magistrate, Ranga Reddy district at L.B.Nagar, against the petitioner/A-3 would result in abuse of process of law. Hence, further proceedings in Crime No. 913 of 2007 of Saroornagar Police Station, Cyberabad, in C.C.No. 1044 of 2008 on the file of the Court of XI Metropolitan Magistrate, Ranga Reddy district at L.B.Nagar, registered for the offence punishable under section 409 of I.P.C., against the petitioner/A-3 are quashed.

6. In the result, this Criminal Petition is allowed.

7. As a sequel, miscellaneous petitions if any, pending in this criminal petition stand disposed of.

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[RESULT : ALLOWED AGAINST A-3]



Circulation No.: 276

Date:23-08-2018

Court Master : I s L