IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

MONDAY THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND EIGHTEEN

PRESENT

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 10848 OF 2011

Between:

R. Srinivasa Rao ... Petitioner/A-5

V/s.

K.Ravi Kumar & Anr. ... Respondents

Counsel for the petitioner : Sri Ch. Ravindra Babu

Counsel for the Respondent : Sri Ch.Dhanamjaya
Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 10848 OF 2011

O R D E R :

This Criminal Petition is filed under section 482 of Cr.P.C. by the petitioner/A-4 in Crime No.58 of 2011 of Madhavaram Police Station, Kurnool district, registered for the offences punishable under section 420 of I.P.C.

2. The brief facts of the case are that one K.Ravi Kumar, H.R. and Administration, Adani Wilmar Limited lodged a complaint on 28/09/2011 to the Sub-Inspector of Police, Madhavaram Police Station, Mantralayam Mandal, Kurnool district, alleging that the petitioner purchased sun-flower seeds for delivery as part of commercial dealing and the seeds are being delivered as the lorry loads. Recently they came to know that one lorry having tampered its weight with an intention to cause loss to the company to the tune of 950 Kgs of seeds short of supply of seeds. There is also shortage of stocks and as well as end by

product – DOC. The person on duty at the seed receiving station, was one Mr.R.Srinivasa Rao s/o. Ramineni Siva Suryanarayana, aged about 37 years. It is noticed by the defacto-complainant that the petitioner hatched a criminal conspiracy to defraud the company. Keeping in view of the short-fall on in-coming seed consignment, the complaint has been lodged. On the date of complaint, i.e., 28/09/2011, Mr.V.Somashekar s/o. V.Ranganna, aged 28 years, resident of Kalludevakunta village, Mantralayam Mandal, Kurnool district, as security guard discharging weigh bridge duty. On enquiry, he confessed that he has physically tampered the weighbridge record of said truck and inflated seed weight upto 50% of market cost by the farmers and that the amount will be distributed among the persons who are involved in the conspiracy. He further disclosed that other two weighbridge operators are also indulged in the said conspiracy. They are Mr.Laxmanna s/o H.Chinna Khasim, aged 26 years resident of Kalludevakunta village, Mantralayam Mandal, Kurnool district and

Mr.V.V.Ramana s/o. V.Chalma Reddy, aged 29 years resident of Kottala village, Vempeta Post, Pamulapadu Mandal, Kurnool district. The other weighbridge operators also confessed the crime committed by them and further revealed that since last six months they are committing this criminal activities on the behest of Mr.R.Srinivasa Rao. It is revealed that the petitioner with an intention to dishonestly misappropriate the property of the company hatched a plan along with the person on duty, Mr.R.Srinivasa Rao.

3. Heard the arguments of the learned counsel for the petitioner/A-5 and the learned counsel for the respondent No.1.

4. The learned counsel for the petitioner/A-5 submits that the petitioner/A-5 is innocent and he has already lodged a private complaint against A-1 to A-8 on 28/9/2011 in CFR.No. 5050 of 2011 on the file of the Court of Judicial Magistrate of First Class, Yemmiganur, Kurnool district.

5. The learned counsel for the petitioner further submits that the petitioner is the victim of alleged conspiracy, and therefore, he filed the private complaint against A-2 to A-8 vide CFR.No.5050/2011 and they have falsely implicated him in this case.

6. The learned counsel for the respondent No.1 submitted that in view of stay of all further proceedings, vide orders dated 14/11/2011 in Crl.P.M.P.No. 12090 of 2011, the investigation could not be proceeded further in this matter, and therefore requested to direct the investigation to proceed further. It is further submitted that there are allegations against the petitioner in the complaint, and therefore, the proceedings against the petitioner/A-5 cannot be quashed.

7. Having regard to the facts and circumstances of this case, since there are allegations against the petitioner in the complaint and this question of fact to be decided, which requires further investigation and trial. It is not appropriate to quash the

proceedings at the stage of investigation. Having regard to the submission made by the learned counsel for the petitioner/A-5 that since the matter has been stayed, no further investigation could be conducted. Therefore, the Station House Officer, Madhavaram Police Station, Mantralayam Mandal, Kurnool district, is directed to follow the procedure contemplated under section 41-A Cr.P.C., and conduct further investigation in this regard by following the directions of the Hon'ble Supreme Court in **ARNESH KUMAR V/s. STATE OF BIHAR** [vide Criminal Appeal No. 1277 of 2014 [Special Leave { criminal } No.9127 of 2013] dated 02/7/2014].

8. With the above direction, this Criminal Petition is disposed of.

9. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE GUDISEVA SHYAM PRASAD.

19/03/2018
I s L

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

O R D E R
IN
CRIMINAL PETITION No. 10848 OF 2011
[RESULT :: DISPOSED OF]

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