

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11327 of 2018

ORDER :

The petitioner is A.2, no other than the mother of A.1, of Crime 207 of 2018 of Dwaraka Police Station, Visakhapatnam, registered for the offences punishable under Sections 409 and 420 read with 34 IPC, on 20.10.2018, from the report of the 2nd respondent-The Assistant Treasury Officer, Seethammadhara, Visakhapatnam, by 3rd respondent-S.H.O., Dwaraka Police Station.

2. The sum and substance of the accusation in the First Information Report shows from the said report that on random verification of the pension payments of their office on 15.10.2018, it was found in the monthly statement of Y.Varalakshmi, the petitioner/A.2, family petition holder of Account No.34557758821 and PPO No.22-005036/FP and PPO Id No.02040864 was credited an amount of Rs.16,00,580/- as arrear posting in May 2018 payable on 01.06.2018 along with her regular pension and Rs.34,65,800/- arrear posting in the month of August 2018 payable on 01.09.2018 with her regular pension aggregating to Rs.50,66,380/- from the above, which were irregularly credited to the above account holder. On locating the irregular credit to the account of Varalakshmi supra, the de facto complainant addressed letter to the Branch Manager, State Bank of India, Gopalapatnam, and he provided the particulars by furnishing the bank statement of said Varalakshmi supra and it is found the amounts were credited to her account irregularly and as on 16.10.2018

to the credit of her account there was Rs.31,820.09 ps. only. It is further averred that while random checking of the bank statement and PPO, it is identified another Rs.1,00,000/- transferred from the above account to the Account No.10433614947 of Y.Venkata Narsinga Rao/A.1, who is no other than the Junior Accountant working in the office. It clearly shows the bank account was operated by the petitioner/A.2 and there were withdrawals of the amounts of Rs.50,66,380/-, but for Rs.31,820.00 remained to her credit as on 16.10.2018 which include Rs.1,00,000/- transferred to the account of A.1 by her, which clearly shows the perpetration and privy, though the offence under Section 409 IPC has no application to the petitioner/A.2, but for to A.1.

3. Having regard to the above, there is nothing to quash the F.I.R. but for disposal of the criminal petition by directing the police not to arrest her pending investigation and complete the investigation and file final report and in the meantime if at all any presence of the petitioner required for investigation, they can address letter and she is bound to appear. If the petitioner failed to appear, they can move this Court to vacate the order not to arrest.

4. Accordingly, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13th November 2018.

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