

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.39575 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Korangi Police Station, East Godavari District, dated 05.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that on the complaint of the 4th respondent Sony Prashanth Kumar Geddam, Senior Manager, Andhra Bank, Tallarevu Branch, a case was registered as Cr.No.300 of 2018 for the offences under Sections 409, 420, 468, 471 r/w 34 I.P.C., against the petitioner A.2 and others on the file of respondent No.3, Korangi Police Station, East Godavari District with regard to misappropriation of Government funds coupled with forgery for the purpose of cheating and used a forged document as genuine that occurred on 08.05.2017 at the Branch, State Bank of India, Tallarevu and reported the same on 12.10.2018. The accused cheated the bank for Rs.90,51,775/-.

It is submitted that since the date of registration of FIR, A.2-the petitioner was absconding. A.3 was arrested on 16.10.2018 and A.1 was arrested on 22.10.2018 and sent for judicial remand. The investigation conducted so far it revealed that A.1 to A.3 misappropriated an amount of Rs.90,51,775/- by tampering the records and by pledging invalid records. Thus, they are liable to be punished for the offences under Sections 409, 420, 468 and 471 r/w 34 I.P.C.

The petitioner A.2 contended to follow the procedure contemplated under Sections 41-A Cr.P.C., as well as the verdict of the Apex Court in Arnesh Kumar v. State of Bihar while investigating the case in FIR No.300/2018. In this connection, the petitioner A.2 did not cooperate with the investigating agency and Section 41-A Cr.P.C., is not applicable to this case. As the petitioner A.2 committed offence under Section 409 I.P.C. along with other offences, in which Section 409 I.P.C., is having ten (10) years imprisonment. After completion of investigation, an appropriate report will be filed before the concerned Hon'ble Court.

It is submitted that the contention of the petitioner against the respondent No.3 are incorrect, baseless, far from truth and has been created for the purpose of filing the present Writ Petition. The Writ Petition is devoid of merits and liable to be dismissed."

Having regard to the contents of the above instructions, the Writ Petition stands disposed of, keeping it open for the petitioner herein to avail the other remedies, in accordance with law.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:23.11.2018
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