

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10511 OF 2017

ORDER:

The petitioner is A4 among 8 accused in C.C.No.13 of 2002 on the file of the Special Judge for CBI Cases, Visakhapatnam, where taken cognizance for the offences punishable under Sections 120-B, 420, 467, 468, 471 IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988(for short 'the Act').

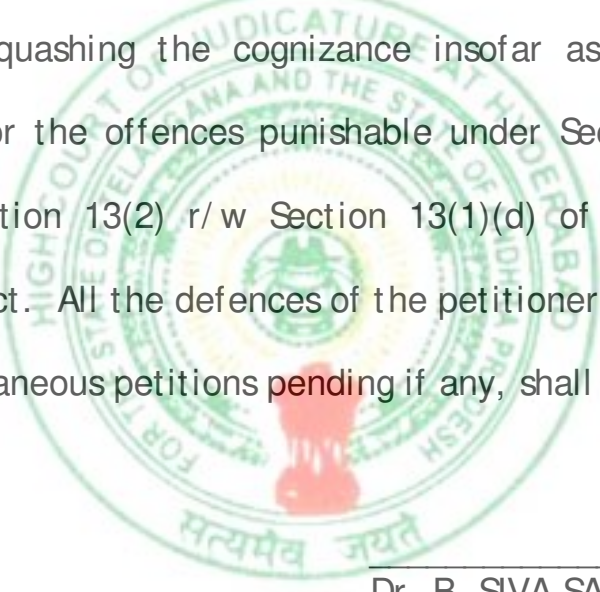
2. The petitioner herein is not a Public Servant or a Bank Manager but only a Managing Partner of M/s.Master Steel Tubes, who availed loans from Union Bank of India, Small Scale Industries Finance Branch, Visakhapatnam. A1 to A3 are the officials of the Bank, A5 and A8 are the valuers, who allegedly made escalated false valuation in creating a false document to make believe of the property as if so valued, though it is far below of the under value as per the original price. A7 is clerk of the bank concerned branch and A6 is pretended owner of M/s.Jayanthi Engineering Company, a fictitious and a non-institution firm also privy.

3. So far as A4, who availed the loans by using as genuine, the so called false property valuation documents concerned, he is at best liable for the allegations of cheating under Section 420 IPC and using as genuine those 23 fake invoices along with lorry receipts and over-valued property statements for the offences punishable under Sections 420 and 471 IPC, beyond that there is

no material to show he forged any document or he created any false documents to be personally liable for the offence punishable either under Section 467 or 468 or 465 IPC. The provisions of the Prevention of Corruption Act under Sections 13(2) r/w Section 13(1)(d) are no way, admittedly, applicable to the petitioner. Thereby the cognizance order of the learned Special Judge so far as the petitioner concerned shall be confined only to the offences punishable under Sections 420 and 471 r/w 120-B IPC and not for any other offences.

4. Having regard to the above, the Criminal Petition is partly allowed by quashing the cognizance insofar as petitioner/A4 concerned for the offences punishable under Sections 467 and 468 and Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act. All the defences of the petitioner are left open.

5. Miscellaneous petitions pending if any, shall stand closed.



Dr. B. SIVA SANKARA RAO, J

Date:05.12.2018
pab