

THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION No.4977 of 2019

ORDER:

This Criminal Petition under Section 482 of Cr.P.C., is filed by the petitioner/A5 seeking to quash the proceedings in C.C.No.1914 of 2019 on the file of XXI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offences under Sections 120-B read with Sections 420, 467, 468 and 471 IPC, against him.

2. Heard Sri Vedula Venkata Ramana, learned counsel representing on behalf of the learned counsel for the petitioner/A5, learned Special Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged in the charge sheet that A1-M/s.Victory Transformers and Switchgears Limited is a registered company engaged in manufacturing of power distribution transformers and other allied products. A2 is Managing Director and A3 to A6 are Directors of A1 Company. During business, A1 Company had availed credit facilities from the Corporate Finance Branch, Bank of Baroda, Hyderabad, from 2009 and that during 2011-12, A1 was having heavy dues with the said Bank. While so, in order to raise funds to pay the liabilities of A1 Company, A2 to A6 had conspired together, forged the seals and signatures of officers of Standard Chartered Bank, Chennai, and fraudulently prepared false and fabricated documents such as Bill of Exchange, commercial invoice, delivery challan, specification report showing trade between A1 company and Ravi Solar Energy Limited for Rs.4.96 Crores, Rs.4.97 Crores and RM Trade Corporation, Kolkata for Rs.5.12 Crores, without any trade and got it discounted with Bank of Baroda, CFS,

Hyderabad, by causing loss of Rs.15.06 Crores and corresponding wrongful gain to themselves.

4. All the contentions raised by the learned Counsel for the petitioner relate to disputed questions of fact. The Court has also been called upon to adjudge the testimonial worth of the prosecution evidence and evaluate the same on the basis of various intricacies of factual details which have been touched upon by the learned counsel for the petitioner. The veracity and credibility of material furnished on behalf of the prosecution has been questioned and false implication has been pleaded.

5. The law regarding sufficiency of material which may justify the summoning of the accused and also the Court's decisions to proceed against him in a given case is well settled. The Court has to eschew itself from embarking upon a roving enquiry into the last details of the case. It is also not advisable to adjudge whether the case shall ultimately end in conviction or not. Only a *prima facie* satisfaction of the Court about the existence of sufficient ground to proceed in the matter is required.

6. Through catena of decisions given by the Hon'ble Apex Court, this legal aspect has been expatiated upon at length and the law that has evolved over a period of several decades is too well settled. The cases of ***Chandra Deo Singh v. Prokash Chandra Bose***¹; ***Vadilal Panchal v. Dattatreya Dulaji Ghadigaonker***² and ***Smt. Nagawwa v. Veeranna Shivalingappa Konjalgi***³ may be usefully referred to in this regard.

¹ AIR 1963 SC 1430

² AIR 1960 SC 1113

³ 1976 (3) SCC 736

7. The cases where the allegations made against the accused or the evidence collected by the investigating officer do not constitute any offence or where the allegations are absurd or extremely improbable or impossible to believe or where the prosecution is legally barred or where the criminal proceeding is malicious and *mala fide*, instituted with an ulterior motive of grudge and vengeance alone may be fit cases for the High Court in which the criminal proceedings may be quashed. The Hon'ble Apex Court in ***State of Haryana v. Bhajanlal***⁴ has recognized certain categories in which Section 482 Cr.P.C. or Article 226 of the Constitution of India may be successfully invoked.

8. In view of the settled principles of the above case laws, this Court has adverted to the entire case record. The submissions made by the learned counsel for the petitioner call for adjudication on pure questions of fact which may be adequately adjudicated upon only by the trial Court and while doing so, even the submissions made on points of law can also be more appropriately gone into by the trial Court in this case. This Court does not deem it proper, and therefore cannot be persuaded to have a pre-trial before the actual trial begins. It shall suffice to observe that the perusal of the F.I.R. and the material collected by the investigating officer on the basis of which charge sheet has been submitted makes out a *prima facie* case against the accused at this stage and there appear to be sufficient ground for proceeding against the accused. I do not find any justification to quash the charge sheet or the proceedings initiated against the petitioner as the case does not fall in any of the

⁴ 1992 Supp(1) SCC 335

categories recognized by the Apex Court which may justify their quashing. Accordingly, the prayer for quashing is refused.

9. However, it is observed that if the bail has not yet been obtained, the petitioner/A5 may appear before the Court below and apply for bail within a period of one month from today and on such application being filed, the Court below shall make an endeavour to decide the bail application on the same day. During the aforesaid period or till the date of appearance of the petitioner/A5 in the Court below, whichever is earlier, no coercive measures shall be taken against the petitioners or given effect to.

10. With the aforesaid directions, the Criminal Petition is disposed of.

11. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

26th August, 2019

G.SRI DEVI, J

sj