

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No.28312 OF 2013

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue writ of mandamus directing the Respondent Nos.1 and 2 to take action in terms of Section: 3 of ANDHRA PRADESH PROTECTION OF DEPOSITORS OF FINANCIAL ESTABLISHMENTS ACT, 1999 against the remaining 559 members of 3rd respondent Society and provisionally attach their moveable & immoveable properties including salaries, service benefits and pensions for recovery of Rs.38 crores due to the aggrieved depositors and issue G.O. similar to G.O.Ms.No.54 (Home) dt. 4.3.2010 and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.”

3. The learned Government Pleader appearing for the respondents 1 & 2 placed on record written instructions, dated 12.11.2019, issued by the Sub-Inspector of Police, C-Division, CCS, Hyderabad. From a perusal of the said instructions, it is revealed that on 06.10.2008, one Sri K.Krishna Murthy-complainant along with others lodged a report stating that he deposited his life time savings together with those of his wife-Smt. K.Saroja, daughter-Smt. K.Rajini and son-in-law-Sri K.Vijay Kumar in the form of fixed deposits in the Telegraph Traffic Employees Co-operative Credit Society with Registration No.T.A.2002. The said society was headed by the President and other office bearers. It is further stated in the complaint that

the above said team was running the society unopposed since 20 years. The members can withdraw their deposits with a prior notice of one month. On 06.10.2008, the society has failed to fulfill its commitment of payment of interest and deposit withdrawals. It is further stated that the Secretary-A.Krishna Murthy is vested with absolute financial powers and he manipulated the records and audit without any scrutiny. The said A.Krishna Murthy is absconding. Therefore, he requested to take necessary action. Pursuant to the said complaint, a case in Crime No.226 of 2008 was registered for the offences under Sections 406, 409 & 420 of Indian Penal Code, 1860, and Sections 3 & 5 of the A.P. Protection of Depositors of Financial Establishment Act, 1999, and investigated into. After completion of investigation, charge sheet was filed before the Special Court for A.P. Protection of Depositors of Financial Establishment Act, 1999 (Metropolitan Sessions Judge Court, Hyderabad). After taking cognizance of the offences, the same was taken on file *vide* C.C.No.5 of 2010. The case is pending trial. The properties of the accused were identified and attached on 22.04.2010 *vide* CrI.M.P.No.825 of 2010 under Section 3 of A.P. Protection of Depositors of Financial Establishment Act, 1999, after obtaining the orders from the Government *vide* G.O.Ms.No.54 Home (General.B) Department, dated 04.03.2010. The credit society was managed by Accused No.1-A.Krishna Murthy and other office bearers, who are arraigned as Accused Nos.2 to 9, who were all the employees of BSNL and directors of the Telegraph Traffic Employees Co-operative Credit Society. The petitioner

and others, who are not employees of the BSNL have deposited the money in the society due to the inducement of A-1 to A-9, which is against the rules of co-operative society and instructions given by the Commissioner, Co-operative Department. Later, the accused persons have used the money for their luxuries. None of the other members i.e., 567 members, who are employees of BSNL are aware of the day-to-day affairs of the society and there is no evidence coming forth about their involvement except that they are all members of the credit society and employees of BSNL. Presently, the case is under trial *vide* C.C.No.5 of 2010, on the file of the Metropolitan Sessions Judge Court, Hyderabad, and the complainant and other victims are attending the Court regularly and case was posted to 13.11.2019.

4. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. However, liberty is given to the petitioner to invoke appropriate steps as per law under the provisions of the Co-operative Societies Act.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P.KESHA RAO, J

Date: 15th November, 2019

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