

HONOURABLE SRI JUSTICE P.KESHAVA RAO

W.P.No.1766 of 2014

ORDER:

There is no representation on behalf of the petitioner.

Heard the learned Government Pleader for Home appearing for respondent Nos.1 to 3.

The prayer sought in this Writ Petition is as under:

“... to issue writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in harassing the petitioner by calling him to the police station on 21.01.2014 and later frequently threatening him with dire consequences by detaining him illegally for hours together to recover the alleged amount for the 4th respondent as unjust, arbitrary and illegal besides violation of Article 21 of the Constitution of India and direct the 3rd respondent not to interfere with petitioner's life and property without due process of law and to pass such other order or orders this Hon'ble Court deems fit and proper in the circumstances of the case in the interest of justice.”

Learned Government Pleader for Home placed before this Court a copy of the written instructions, dated 29.01.2014, issued by the Station House Officer, Gopalapuram Police Station, Hyderabad City. A copy of the final report, the statements of the complainant and the Chief Manager of respondent No.4-Bank and the confessional statement of the petitioner recorded in the presence of the panchayatdars are also enclosed to the written instructions.

In the written instructions, it is stated that one Smt Krishna Kumari, Senior Manager, Oriental Bank of Commerce, S.D. Road, Secunderabad, lodged a complaint on 24.01.2014 against the petitioner stating that he has withdrawn Rs.3 lakhs excess amount credited in his account without informing to the bank authorities and did not return the amount and accordingly, cheated the bank

authorities. Pursuant to the said complaint, a case in Crime No.23 of 2014 was registered against the petitioner for the offence under Section 420 IPC on the file of Gopalapuram Police Station on 29.01.2014. During the course of investigation, the Investigating officer examined the complainant and other witnesses and recorded their detailed statements. In the investigation, it was disclosed that the petitioner has SB A/c No.01812-11-13387 at respondent No.4-bank. He received a cheque bearing No.062874 dated 10.5.2013 for Rs.14,698/- from Building Blocks India (P) Limited to be drawn from A/c No.008010200081306 of Axis Bank, Hyderabad Branch. He filed the said cheque in his A/c at respondent No.4-bank. While sending the said cheque for collection, inadvertently, a sum of Rs.3,14,698/- was claimed instead of Rs.14,698/-. In those circumstances, the SB A/c of the petitioner was credited with an amount of Rs.3,14,698/- on 14.5.2013. Though the petitioner noticed that instead of Rs.14,698/- a sum of Rs.3,14,698/- was deposited in his account, he did not inform the same to the bank authorities and has withdrawn the entire amount credited in his account between 14.5.2013 and 27.5.2013. Subsequently, the bank authorities asked the petitioner to refund the excess amount of Rs.3 lakhs deposited in his account. On 27.7.2013, the petitioner went to the bank and gave four undated signed cheques of his SB A/c maintained at respondent No.4-bank with a promise to refund the amount. On 12.8.2013, the petitioner paid an amount of Rs.20,000/- to respondent No.4-bank. Thereafter, the petitioner did not pay any amount to respondent No.4-bank. In those circumstances, a

complaint was lodged by respondent No.4-bank represented by its Senior Manager.

It is also further mentioned in the written instructions that there is clinching evidence that the petitioner committed an offence punishable under Section 420 IPC. Basing on the said evidence, the petitioner was arrested on 24.01.2014 and later remanded to judicial custody. After investigation, the final report was filed before the Court concerned and after taking cognizance of the offence, the same was numbered as C.C.No.126 of 2014 for the offence punishable under Section 420 IPC. After coming to know about the initiation of the criminal proceedings against him, the petitioner filed the present Writ Petition with an intention to divert the attention of the investigating agency from conducting proper investigation.

In the light of the aforesaid facts and circumstances, this Court is of the opinion that there are no merits in the Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

As a sequel, the Miscellaneous Petitions pending, if any, shall also stand dismissed.

23rd October, 2019
dr

JUSTICE P.KESHA RAO