

HONOURABLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No. 1993 of 2006

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., aggrieved by the judgment dated 29.11.2006 passed in CrI. A. No. 14 of 2006. By the said judgment, the learned II Additional Sessions Judge (Fast Track Court) at Adilabad, dismissed the appeal confirming the conviction and sentence recorded against the revision petitioner in C.C. No. 562 of 2003, dated 16.02.2006. By the said judgment, the revision petitioner-sole accused was found guilty for the offences under Sections 420, 409 and 477-A IPC. Under each count, he was sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for one month. All the sentences were directed to run concurrently.

The accusation against the revision petitioner-accused is that while working as Paid Secretary in Primary Agricultural Co-Operative Society at Talamadugu from 1994 to 1999, for the irregularities committed by him in maintaining the records, an enquiry was ordered; that the in the preliminary enquiry, as it was found that some amounts were misappropriated by the accused, a final enquiry was ordered through P.W.9, who, on conclusion of enquiry, found that the accused had misappropriated an amount of Rs.3,94,806/-. Basing on the

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL REVISION CASE NO: 1993 OF 2006

Criminal Revision Case Under Section 397& 401 of Criminal Revision Case against the Judgment dated 29-11-2006 in CrI.A. No. 14 of 2006 on the file of the Court of the II Additional Sessions Judge, (Fast Track Court) at Adilabad Confirming the Judgment dated 16-02-2006 in C.C.No.562 of 2003 on the file of the Court of the Judicial Magistrate of First Class, Adilabad.

Between:

Sirmanwar Srinivas, S/o. Narsing Rao, aged 31 years, Ex-paid Secretary, PACS,Talamadugu, R/o. H.B.Colony, Adilabad.

...PETITIONER/APPELLANT/ACCUSED

AND

State Of A.P., rep.by Public Prosecutor , High Court , Hyderabad.

...RESPONDENT

Counsel for the Petitioner: SRI. C SHARAN REDDY

Counsel for the Respondent : PUBLIC PROSECUTOR

The Court made the following: ORDER

report submitted by P.W.1, the Divisional Co-Operative Officer, Police registered a case and after completion of investigation, filed a charge sheet against the accused for the offences under Sections 420, 409 and 477-A IPC.

The learned trial Court after appreciating the evidence brought on record i.e., PWs. 1 to 11, and Exs.P.1 to P.24, found the accused guilty for the offences under Sections 420, 409 and 477-A IPC and sentenced him as indicated above. Aggrieved thereby, the accused preferred the appeal being CrI.A. No. 14 of 2006.

The lower appellate Court, on re-appreciation of the entire evidence, dismissed the appeal confirming the conviction and sentence recorded against the accused.

Heard Sri C. Sharan Reddy, the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the material available on record.

The accusation against the accused is that while working as Paid Secretary in the Primary Agricultural Co-Operative Society, he had collected amounts from the members of the society for repayment of the loans for which he had issued false receipts and did not deposit the amounts, so collected, with the Society or in the Bank. The trial Court while appreciating the evidence of P.W.9, the enquiry officer, observed that during the

enquiry proceedings, the accused himself admitted in his statement before P.W. 9 that he is responsible for Rs.1,31,737/-. Thus, considering the evidence of P.W.9, his enquiry report, Ex.P. 4, statement of accused, Ex.P. 21, the receipts issued by the accused i.e., Exs.P. 16 to P. 20 and the evidence of P.Ws.3 to 5,7 and 8, the trial Court came to the conclusion that the prosecution has clearly established the guilt of the accused beyond all reasonable doubt for the offences punishable under Sections 420, 409 and 477-A IPC and accordingly convicted and sentenced him for the said charges. On re-appreciation of the evidence, the learned lower appellate Court held that the accused had cheated the members of the society and misappropriated the public money and accordingly confirmed the conviction and sentence recorded by the learned trial Court. Therefore, the concurrent findings arrived at by both the courts below are on appreciation of entire evidence in proper perspective. Absolutely, no ground is made out to interfere with the conviction and sentence recorded against the accused.

The Criminal Revision Case fails and the same is accordingly dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

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SD/-M.VIJAYA BHASKAR
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The II Additional Sessions Judge, (Fast Track Court) at Adilabad .
2. The Judicial Magistrate of First Class, Adilabad .
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. C SHARAN REDDY, Advocate [OPUC]
5. Two CD Copies
6. One Extra Copy

HIGH COURT

DATED: 23/02/2022



JUDGMENT

CRL.RC.No.1993 of 2006

DISMISSING THE CRL.R.C

Atm (8)
26/3/2022