

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 437 OF 2010

Crl.Appeal Under Section 378 of CrI.P aggrieved by the Judgment
dated 30-06-2009 in C.C. No. 2863 of 2009 on the file of the Court of the
Additional Chief Metropolitan Magistrate, at Hyderabad

Between:

Jethmal Nimbavat, S/o. Late Kanhayalal, Business, R/o. 14-11-1039/3 &4, Veer
Bhan Bagh, Shah Inayat Gunj, Hyderabad

...APPELLANT

AND

1. State of Andhra Pradesh, rep. by the public Prosecutor, High Court
Buildings, Hyderabad.
2. Goverdhan Das Partani, S/o. Bhagwan Das Partani, Business, R/o. 1-4-
996, Bakaram, Hyderabad

...RESPONDENTS

Counsel for the Appellant: SRI. K. SOMESWARA KUMAR

Counsel for the Respondent No.1 : THE PUBLIC PROSECUTOR

Counsel for the Respondent No.2 : SRI V. SURENDER RAO

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.437 OF 2010

ORDER:

The defacto complainant filed the present appeal questioning the acquittal of the respondents for the offence under Section 420, 120-B of IPC. The police on the basis of the complaint, filed final report for 'lack of evidence'. On protest petition, a complaint was taken on file and the learned Magistrate found the respondent/accused not guilty and acquitted the accused. The present appeal is questioning the said acquittal judgment dated 30.06.2009.

2. Briefly the facts of the case are that an agreement of sale was entered into in between the accused and the complainant. However, the accused having received an amount of Rs.1,19,00,000/- failed to return the amounts since there was no clearance under the land Ceiling Act and the income tax Act. Towards payment of outstanding amounts cheques were issued which were returned unpaid. Learned Magistrate found that no offences under Section 420 IPC is made out since they are commercial transactions and there was no intention from the inception to cheat the complainant. Further Ex.P1 to 7 were created for the purpose of the case. I do not find any legality in the order of the learned Magistrate to interfere with the order of the acquittal.

3. Accordingly, the appeal is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To

1. The I Additional Chief Metropolitan Magistrate ,Hyderabad.
2. Two CCs to Public Prosecutor, High Court for the State of
Telangana (OUT)
3. One CC to SRI. K. SOMESWARA KUMAR Advocate [OPUC]
4. One CC to SRI. V. SURENDER RAO, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:17/11/2022

JUDGMENT

Crl.Appeal No.437 of 2010



DISMISSING THE CRL.APPEAL

⑦
PM

17/1/23