

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No: 8634 of 2018

Between:

C. Sivarami Reddy, S/o Pedda Pakkara Reddy, R/o.2-5-75, Satram Street,
Allagada, Kurnool District. ...**Petitioner/Accused No.3**

AND

1. The State of Telangana, Rep by its through its Public Prosecutor, High Court of Judicature at Hyderabad. For the State of Telangana and The State of Andhra Pradesh.
2. Mr. Vijaya Neha Polymers Pvt Ltd, Represented by its Authorized Representative B.Samba siva Rao, S/o Laxminarayana Murthy Aged- 60 years having registered office at Plot No.8-3-332 Mailardevapally, Rajendra Nagar Mandal, Hyderabad 500 005. ...**Respondent/Complainant**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to order dated 18-07-2018 made in Cr.M.P.No.1229 of 2018 in CC.No.149 of 2012 on the file of the Hon'ble II Special Metropolitan Magistrate Court at Rajendranagar and quash the same.

I.A. NO: 1 OF 2018

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including the appearance of the Petitioner in CC.No.149 of 2012 on the file of the Hon'ble Special Magistrate-II, Rajendranagar pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N. NAVEEN KUMAR, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri AADESH VARMA, Advocate for the Respondent No.2.

The Court made the following: **ORDER**

Nos.3 to 5. Appropriate orders can be passed at the time of final judgment as to who would be made responsible on behalf of accused No.1-Company.

8. Needless to state that, the defence of accused Nos.3 to 5 should be considered by the Court below before passing any orders regarding the representative of accused No.1-Company. The proceedings can go on even though accused No.2 is absconding. Since, the Company is the accused, requirement of making the Company liable for the offence under Section 138 read with 141 of N.I.Act is fulfilled.

9. In view of the above observations, the Criminal Petition is disposed of. The direction of Court below of making accused No.3 as representative of accused No.1- Company in the place of accused No.2 is hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

SD/- T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Magistrate Court II at Rajendranagar
2. The Station House Officer, Rajendra Nagar Police Station, Ranga Reddy District
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to SRI N. NAVEEN KUMAR, Advocate [OPUC]
5. One CC to SRI AADESH VARMA, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:14/11/2023

ORDER

CRLP.No.8634 of 2018



DISPOSING OF THE
CRIMINAL PETITION

(8)

29/12/23

ANV