

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**SATURDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 12354 OF 2023

Between:

S.Venkatesh, S/o. S.Narsing Rao, Aged about 46 years, Occ. Business, R/o.H.No.3-4-138, Royal Eligance Apartments, Barkathpur, Hyderabad.

...PETITIONER/DEFACTO COMPLAINANT

AND

The State of Telangana, Rep. by Public Prosecutor, Through P.S. Medipally
Rachakonda Commissionerate Hyderabad.

...RESPONDENT/ RESPONDENT

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 set-aside the endorsement made by the Honourable I Additional District Judge, Malkajgiri in CrI.M.P.Sr.No.6200 of 2021 in C.C.No.74 of 2022 dt.14/09/2021 filed under Sec.457 Cr.P.C. and to decide the same on merits.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. JANARDHAN RAO, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12354 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/*de-facto* complainant seeking to set-aside the endorsement made by the I Additional District Judge, Malkajgiri in CrI.M.P.(SR).No.6200 of 2021 in C.C.No.74 of 2022.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State.

3. The petitioner filed an application under Section 457 of Cr.P.C. before I Additional District Judge, Malkajgiri and the said application was numbered as CrI.M.P.(SR).No.6200 of 2021. However, learned Sessions Judge has not entertained the said petition and it was dismissed on 14.09.2021.

4. Learned counsel for the petitioner would submit that subsequent to returning of the said application Section 5 of the Protection of Depositors of Financial Establishment Act was included in the crime.

5. In the said circumstances, it is open to the petitioner to approach the Court below.

6. With the said observation, the Criminal Petition is disposed off. Miscellaneous applications pending, if any, shall stand closed.

SD/-C. PRAVEEN KUMAR

ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The III Metropolitan Magistrate, Cyberabad at L.B.Nagar.
2. The Station House Officer, Medipally Police Station, Rachakonda.
3. One CC to Sri M. JANARDHAN RAO, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. Two CD Copies

Njb
my



HIGH COURT

KS, J

DATED:16/12/2023



ORDER

CRLP.No.12354 of 2023

DISPOSING OFF THE CRLP

⑧
MBL
29/12