

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No. 1267 of 2015

ORDER:

The petitioner, who is accused No.5, in C.C.No.1200 of 2014 on the file of the II Additional Munsif Magistrate, Eluru, West Godavari District, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of their arrest, pursuant to execution of non-bailable warrant issued against him in the above C.C.

The facts in issue are as under:

A charge sheet came to be filed against the petitioner and others for the offences punishable under Sections 420, 409, 468, 471, 477 (A) and 120-B IPC. The allegations made against the petitioner are that the Sub-Registrar, Akividu registered as many as 30 title deeds between the period from 01.07.2003 to 31.09.2003, transferring the properties to the claimants as mentioned in the surcharge register maintained in the sub-Registrar Office, Akividu. Basing on the value of the registration, the Sub-Registrar got the entries edited in the surcharge register, prepared consolidated statement for the quarter ending 31.09.2003 allocating the transfer duty of Rs.1,15,157/- to Doddanapudi Gram Panchayat and thereafter forward the statements to Assistant District Registrar, Bhimavaram. The petitioner herein was the Surpanch of Doddanapudi village at the relevant point of time. On the basis of the statement, the Assistant District Registrar, forwarded the same to the District Register, who inturn forwarded the same to Sub-Treasury Office, Akividu on 18.11.2003 for crediting the amount into the account of concerned Gram Panchayats. At Sub-Treasury Office, accused No.1 made an entry in the village panchayat funds ledger by manipulating the original surcharge amount of Rs.1,15,157/- as Rs.1,45,157/- by replacing digit '15' with digit '45'. It is alleged that excess amount drawn by accused No.5 was shared by accused Nos.1,

2 and 6. Thus, with the active connivance of accused No.2, accused No.1 misappropriated the government funds to a tune of Rs.30,000/- in collusion with accused No.5. In substance the allegation against the petitioner is that he has caused loss to the government to a tune of Rs.30,000/-. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

A perusal of the material on record would show that the crime was registered in the year 2006 and eight years later a charge sheet came to be filed against the petitioner and nine others. The name of the petitioner was not found in the First Information Report and after filing of charge sheet non-bailable warrant came to be issued against him. Since the averments in the charge sheet are mainly directed against accused Nos.1 to 3, the request of the petitioner, who is alleged to have withdrawn excess amount of Rs.30,000/-, can be considered on certain terms and conditions.

Accordingly, the Criminal Petition is disposed of, by directing the petitioner to appear before the Court concerned and make an application for recall of warrants, in which event the same shall be considered on certain terms and conditions as the said Court deems fit and proper.

C. PRAVEEN KUMAR, J

27.02.2015
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