

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS
PARGI, RANGA REDDY DISTRICT.**

Present: Dr.BHARATHI ERRA

Judicial Magistrate of the First Class,
Pargi, Ranga Reddy district

C.C. No. 01 of 2016

Dated this the 31st day of December 2018

Between:

The State through
The Sub Inspector of Police,
Mohammadabad Police station

... Complainant.

And

Bokka Anjamma W/o. Bacchanna,
Age: 24 years, BC-Mudiraj,
Occ; Housewife, R/o. Mohammadabad Village,
Gandeed Mandal, Ranga Reddy District.

... Accused

This case is coming up before me on 31-12-2018 for final hearing in the presence of learned Assistant Public Prosecutor for the Complainant and of **Sri. M. Domadhar Reddy**, Advocate for Accused and upon hearing both sides and the case having stood over for determination till this day, this court delivered the following.

J U D G E M E N T

1. The accused has been prosecuted by the state represented by the Sub-Inspector of Police, Mohammadabad Police Station, for the offence punishable under sections 406 and 420 of IPC in Crime No.24/2014.

2. Brief story of the case of the prosecution is that: On 16-08-2014 the accused approached Deccan Grameena Bank, Vikarabad with a cheque of amount of Rs. 64,120/- issued by Executive Engineer Panchayathraj, Vikarabad and requested to transfer the cheque amount to State Bank of Hyderabad, Mohammadabad branch, due to technical problems the cheque was transferred 14 times instead of one time. As result Rs. 7,93,260/- were transferred to accused account, which are not belongs to her. The accused

has drawn the amount by knowingly and misutilized the amount not belongs to her. Later on requests the accused return the amount of Rs. 6,28,000/- and the balance to be recovered is Rs. 1,65,260/-. As such the defacto-complainant /LW1/A. Ravindar filed report before police.

Basing on the complaint of defacto-complainant /LW1/A. Ravindar, LW8/A. Venkateshwar Goud, Sub Inspector of Police registered a case in Crime No. 24/2014 under sections 406 and 420 of IPC and investigated into. After completion of investigation, LW9/M. Laxma Reddy, Sub Inspector of Police filed charge sheet against accused.

3. This Court has taken cognizance of the offence punishable under sections 406 and 420 of IPC and issued summons to accused.

4. On appearance of accused before this Court, he was furnished with the copies of documents as required under Sec. 207 Cr.P.C.

5. The accused is examined under section 239 of Cr.P.C, charge under sections 406 and 420 of IPC was framed against him, read over and explained to him, he pleaded not guilty and claimed to be tried.

6. In order to prove its case, the prosecution examined PW1 to PW5 and exhibits P1 to P4 marked.

7. After closure of the prosecution evidence, accused was examined under section 313 Cr.P.C. The incriminating evidence leveled against him, read over to him, but he denied the same and reported no defence evidence.

8. Heard both the sides.

9. Now the point for determination is:

Whether the prosecution has proved the guilt of the accused under sections 406 & 420 of IPC beyond all reasonable doubts?

POINT:

10. Coming to the evidence of prosecution, PW1/A. Ravindar is the defacto complainant, PW2/Gangyagula VEnkata Surya Subbannna Shasthri,

PW3/Rathod Shivaram, and PW4/ Smt. Thudi Krishnaveni are circumstantial witnesses, PW5/Md. Jani @ Isaq is Panch witness.

11. The learned Assistant Public Prosecutor contended that accused has cheated the Deccan Grameena Bank, Vikarabad of PW1 by transfer the cheque amount to State Bank of Hyderabad, Mohammadabad branch. He further contended that by adducing oral and documentary evidence, prosecution proved the guilt of accused persons.

12. On the other hand, the learned defense counsel contended that accused is falsely implicated and the prosecution failed to prove the guilt of accused person, beyond all reasonable doubts.

13. This court considered the rival submissions made by both counsels and perused the material brought on record

*14. PW1/

stated that he came to know about the theft of material of old school building. Further he did not support the case of the prosecution. PW2/- and PW3/- also stated that they came to know about the incident. The evidence of PW1 to 3, show that they are not direct witnesses to the incident. Hence, their evidence is not reliable. PW4 stated that, accused sold away the old building material. PW7 and 8 are Investigating officers. PW8 did not do anything in this case, he only verify the Case diary and filed charge sheet. PW5 and 6 are panch witnesses denied the conducting of Scene of offence panchanama in their presence and they did not supported the case of the prosecution. Therefore, PW7 failed to establish the case of offence. PW4 is defacto complainant. In complaint Ex.P2, PW4 mentioned that, he received complaint from karuna(PW3)

alleging that, accused was responsible for the illegal sale of granite and old iron which was extracted during demolish of old school building of Kulkacherla. Ex.P2 shows that, PW4 is also not direct witness to the incident. Only basing on information given by PW3 he lodged complaint. But, PW3 -----him0self stated denied that he came to know that, contractor of school building took away the old material. He did not state that, accused was contractor of demolishing----- of school building. PW7 has not filed any documentary evidence to show that accused was the contractor of said school. Further PW7 stated that he had not enquired the who got contract refailing work of Government school at Kulkacherla. PW7 also failed to examined who was the purchaser of said old iron material and he failed to seized the material sold away by the accused as alleged by prosecution.

19. . In view of the above discussion, this court opined that there is no documentary and oral evidence available on record to support the version of PW1. Therefore, prosecution has failed to prove the guilt of accused No.1 to 3 beyond all reasonable doubts.

Accordingly, the Point is answered in favour of accused No.1 to 3 and against prosecution.

24. **IN THE RESULT,** accused is found not guilty for the offence punishable under section 406 and 420 of Indian Penal Code, and he is acquitted under section 248 (1) Cr.P.C. The bail bonds of accused, if any, shall be in force for six months under section 437-A Cr.P.C.

Typed to my dictation, corrected and pronounced by me in the open Court on this the 31st day of December, 2018.

**Judicial Magistrate of the First Class,
Pargi.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Prosecution:

For Defense:

-Nil-

PW1: A. Ravindar/defacto complainant,

PW2: Gangyagula Venkata Surya Subbanna Shasthri/circumstantial witness,

PW3: Rathod Shivaram/circumstantial witness,

PW4: Thudi Krishnaveni/circumstantial witness,

PW5: Md. Jani @ Isaq/Panch witness

EXHIBITS MARKED

For Prosecution:

For Defense

Ex.P1: Complaint by PW1.

Nil

Ex.P2: CC of Statement of account of accused at SBH, Mohammadabad Branch by PW1.

Ex.P3: Statement of Deccan Grameena Bank, Vikarab d by PW1.

Ex.P4 : Scene of offence panchanama by PW5.

Judicial Magistrate of the First Class,
Pargi.