

(2013) 08 KAR CK 0058
In the Karnataka High Court
Case No : Criminal Petition No. 6480 of 2011

Mr. Giridhar

APPELLANT

Vs

Sri Kasthuri Sreenavasa Pai @ Varadaraya Pai and The State

RESPONDENT

Date of Decision : 22-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 149, 419, 420, 423, 467

Citation : (2013) 08 KAR CK 0058

Hon'ble Judges : K.N. Keshavanarayana, J

Bench : Single Bench

Advocate : P.P. Hegde, for the Appellant; K. Dilip Kumar, HCGP, for the Respondent

Judgement

K.N. Keshavanarayana, J.—In this petition filed u/s 482 of Code of Criminal Procedure, petitioner arrayed as accused No. 2 in CC. No. 220/10 on the file of I Additional CJM, Mangalore has sought for quashing of the prosecution launched against him in the aforesaid case alleging the offences punishable under Sections 419, 420, 406, 465, 467, 468, 423, 471 r/w Section 149 of Indian Penal Code inter alia on the ground that the allegations made in the complaint lodged by respondent No. 1 and the allegations made in the charge sheet read as a whole does not make out any case against this petitioner and therefore, the prosecution launched against him is abuse of process of the Court, as such, it is liable to be quashed. Having heard the learned counsel for the petitioner and on perusal of the charge sheet papers, copies of which have been produced along with this petition, I am of the considered opinion that there are no justifiable grounds to entertain this petition.

2. From perusal of the allegations made in the private complaint filed by respondent No. 1, it is prima facie clear that the petitioner herein as Manager of Tadambail Branch of Corporation Bank, allowed accused No. 1 to open a fictitious Savings Bank account in the said Bank in the name of the complainant by forging

his signature and thereby facilitated the accused No. 1 to collect monies covered under two cheques issued by the KIADB in the name of the complainant towards compensation payable for the acquisition of the land and subsequently, amount so credited to said account was allowed to be withdrawn by accused No. 1 by forging the signature of the complainant on withdrawal forms. The private complaint was referred to the police for investigation and after investigation the I.O. has filed the charge sheet. The evidence collected during investigation and produced along with the charge sheet also prima facie establishes the act complained against this petitioner. Thus, serious allegations have been made against the petitioner, which have been investigated by the I.O. and who after investigation was of the opinion that there are sufficient materials to proceed against the petitioner. From the materials produced along with the charge sheet, I am convinced that there are sufficient ground to proceed against the petitioner for the charges alleged in the charge sheet. The contentions urged in this petition are all in the nature of defence pleas, which are required" to be substantiated at the time of trial. It is well settled law that in a petition u/s 482 of Cr.P.C., the High Court cannot undertake the exercise of analyzing the evidence and recording a finding thereon. The Trial Court is required to record the finding on all these aspects of the matter after a full-fledged trial. Therefore, I find no merit in this petition. Accordingly, petition is rejected.