

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
MAIN CASE: CRLP.No.7000 of 2021
PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
	07.04.2025	<u>HN, J</u> The learned senior counsel appearing for the petitioner submits that the petitioner arraigned as accused in CC.No.459 of 2021 on the file of III Additional Judicial Magistrate of First Class, Tirupati for the alleged offence punishable under Section 409, 477-A, 420 of IPC. It is alleged that while the petitioner working as a junior Steno in the office of Anti Corruption Bureau, the 2nd respondent has filed a complaint alleging that the petitioner has withdrawn an amount of Rs.7,14,600/- as against Rs.49,600/- and misappropriated an amount of Rs.6,65,000/-, and the police have registered a case and filed charge sheet. The learned senior counsel submits that the learned Magistrate ought not to have taken cognizance of the offence as sanctioned under Section 197 Cr.P.C., was not obtained by the 2nd	

	respondent for registering the case against the petitioner and the learned counsel for the petitioner places reliance on Rakesh Kumar Mishra Vs. State of Bihar and others¹, Amal Kumar Jha Vs. State of Chhattisgarh and another², Kopisetty Nagaraju Vs. The State of Andhra Pradesh and others³, G.C.Manjunath and others Vs. Seetaram⁴. The learned senior counsel appearing for the petitioner submits that the allegations against the petitioner would have to be considered as the alleged offence committed by the petitioner while acting or purporting to act in discharging of official duty. In such circumstances, the learned Magistrate ought not to have taken cognizance and submits that the case has to be quashed against the petitioner. It is submitted by the	
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¹ AIR 2006 SC 820

² AIR 2016 SC 2082

³ CRLP.No.7510 of 2019, dt.18.02.2025 of AP High Court

⁴ CRLP.No.1759 of 2025 (Arising out of Special Leave Petition (Criminal) No.6053 of 2021) of Hon'ble Supreme Court

		learned senior counsel that the petitioner is still working in the office of Anti Corruption Bureau department. The learned Assistant Public Prosecutor appearing for the 2nd respondent requested time for verifying the judgments filed by the learned senior counsel and to assist this Court on whether such acts committed by the petitioner or not. In the meanwhile, there shall be stay of all further proceedings in CC.No.459 of 2021 on the file of III Additional Judicial Magistrate of First Class, Tirupati. Post the matter on 21.04.2025. KGM <u>HN, J</u>	
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