

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 12355 OF 2023

Between:

INSTANTPAY INDIA LIMITED, having its registered address at B1/A5 Mohan Cooperative Industrial E New Delhi - 110044. Represented by its' Authorized Representative, Mr. Kaveti Narendra. S/o. K Srinivas, aged about 34 Years. Occupation . Employee.

Petitioner

AND

1. Merla Venkata Pramod, S/o Merla Sai Pragnya, Aged about 32 Years, Occupation. Employee R/o. House No. 5 -522, Lane No. 22. Road No. 14, Deepthisrinagar Colony, Madinaguda, Hyderabad, Email. Pramod.mv2007@gmail.com

Respondent No.1

2. State Of Telangana, Rep. by its Public Prosecutor, Through Cyber Crime Police Station. Gachibowli, High Court at Hyderabad.

Respondent No.2

3. Bank Of Baroda, Through its Branch Manager, Address. 55, Madhuban Building, Nehru Place, New Delhi -110019,

Respondent No.3

WHEREAS the Petitioner above named through its Advocate Sri P VISHNU VARDHAN, presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the Impugned Directions Dt.04.12.2023 passed by the Learned Additional Junior Civil Judge - Cum – IX, Additional Metropolitan Magistrate at Kukatpally, Ranga Reddy district, vide Lr. Dis No. 1509/2023, Dt.04/12/2023, passed in CrI.MP No.847 of 2023 in Cr. No. 847/2023 in directing Respondent No. 3 (Bank of Baroda) to debit the Petitioner's bank account 10590200001650 for INR 9,00,000 and transfer the money to Respondent No. 1's bank account 180401527034, IFSC Code. ICIC0001804, maintained with ICICI Bank Limited;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri P VISHNU VARDHAN, Advocate for the Petitioner, and Public Prosecutor, for Respondent No.2, directed issue of notice to the Respondent Nos. 1 & 3, herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

1. Merla Venkata Pramod, S/o Merla Sai Pragnya, Aged about 32 Years, Occupation. Employee R/o. House No. 5 -522, Lane No. 22. Road No. 14, Deepthisrinagar Colony, Madinaguda, Hyderabad, Email. Pramod.mv2007@gmail.com

2. The Branch Manager, Bank Of Baroda, Address. 55, Madhuban Building, Nehru Place, New Delhi -110019

are directed to show cause on or before 09.01.2023 to which date the case stands posted as to why in the circumstances set out in the petition/appeal and the affidavit/memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass a direction to the Respondent No. 3 Bank, not to transfer of the lien-marked amount of INR 9,00,000 (Rupees Nine Lakh Only) from account number 10590200001650, IFSC Code. BARBONEHRUP to Respondent No. 1's Account number 180401527034, IFSC Code. ICIC0001804, maintained with ICICI Bank Limited in Gachibowli, Telangana, pending disposal of CRLP No. 12355 of 2023, on the file of the High Court.

The Court made the following:

ORDER

Issue urgent notice to respondent Nos.1 and 3.

Learned counsel for the petitioner submitted that the petitioner is only an intermediary in the transactions between respondent Nos.1 and 3. It is further submitted that there are allegations of illegal transfers, but the petitioner was in no way concerned with the same. It is further submitted that notice under Section 91 Cr.P.C. was issued to the petitioner on 10.11.2023 and the petitioner has co-operated with the Police by giving all the details. However, without issuing any notice to the petitioner, the Court below i.e., I Additional Junior Civil Judge-cum-IX Additional Metropolitan Magistrate at Kukatpally, Ranga Reddy District, *vide* letter dated 04.12.2023, Lr.Dis. No.1509/2023, directed transfer of Rs.9,00,000/- (Rupees Nine lakhs only) from the account of the petitioner in the Bank of Baroda to the complainant's bank account i.e., respondent No.1's bank account. Learned counsel further submitted that this is in clear violation of principles of natural justice and particularly, when the petitioner was in no way concerned with the said transactions except being an intermediary for the payments.

In view of the contention of the petitioner that there is violation of principles of natural justice and that the Court below issued directions *vide* letter dated 04.12.2023, Lr.Dis.No.1509/2-23 without any notice to the petitioner, this Court deems it fit and proper to stay all further proceedings pursuant to the letter, dated 04.12.2023 in CrI.MP.No.847/2023 in Cr.No.847/2023 on the file of I Addl. Junior Civil Judge -cum-IX Addl. Metropolitan Magistrate at Kukatpally, Ranga Reddy district as prayed for, till the next date of hearing.

List on 09.01.2024.

//TRUE COPY//

SD/-P.PADNABHA REDDY
ASSISTANT REGISTRAR



SECTION OFFICER

To,

- 1) The Additional Junior Civil Judge - Cum – IX, Additional Metropolitan Magistrate at Kukatpally, Ranga Reddy district,
- 2) Merla Venkata Pramod, S/o Merla Sai Pragnya, Aged about 32 Years, Occupation. Employee R/o. House No. 5 -522, Lane No. 22. Road No. 14, Deepthisrinagar Colony, Madinaguda, Hyderabad, Email. Pramod.mv2007@gmail.com
- 3) The Branch Manager, Bank Of Baroda, Address. 55, Madhuban Building, Nehru Place, New Delhi -110019 (2 & 3 by RPAD- along with a copy of petition and memorandum of grounds)
- 4) One CC to SRI. P VISHNU VARDHAN Advocate [OPUC]
- 5) Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
- 6) One spare copy

HIGH COURT

TMDJ

DATED:19/12/2023

LIST ON 09.01.2024.

NOTICE BEFORE ADMISSION

CRLP.No.12355 of 2023

DIRECTION

