

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2353 OF 2020

ORDER:

This petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings against the petitioners, who are accused Nos.1 and 2, in Crime No.53 of 2020 on the file of Madhavaram Police Station, Kurnool District. The offences alleged are under Sections 409, 420 and 188 read with 34 I.P.C.

2. Heard the counsel for the petitioners and the Public Prosecutor.

3. According to the case of prosecution, there was a physical verification of stock and it was noticed that some of the brands were sold and it is found that petitioner No.1, who is Supervisor and petitioner No.2, who is salesman, have sold the liquor bottles and did not remit the same in Government Exchequer.

4. The counsel for the petitioners submits that Section 409 I.P.C. does not attract the facts of the case, since they do not fall under any of the categories mentioned in Section 409 I.P.C.

5. On the other hand, the Public Prosecutor submits that the petitioners can be considered as agents and he also

opposes the petition on the ground that it is a question of fact as to what was the nature of work of the petitioners.

6. This Court finds some force in the said contention. *Prima facie*, the allegations attract the offences alleged against the petitioners. Hence, this Court does not feel it safe to quash the proceedings at this stage.

7. Accordingly, the Criminal Petition is dismissed.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

T. RAJANI, J

Date: 24.06.2020

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