

Karnataka High Court Sri R Ramesha vs State Of Karnataka on 23 February, 2016 Author: Pradeep D.Waingankar 1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY 2016

BEFORE

THE HON'BLE MR.JUSTICE PRADEEP D. WAINGANKAR

CRIMINAL PETITION NO.8786/2015

BETWEEN:-

SRI. R. RAMESHA S/O RAMARAJU K AGED ABOUT 49 YEARS R/O HEGGERE, KASABA HOBLI TUMKUR TALUK - 572 101. ... PETITIONER (BY SRI: RAMESH K.R, ADV.,)

AND:-

STATE OF KARNATAKA BY SIRA POLICE TUMKUR DISTRICT-572101. REP. BY STATE PUBLIC PROSECUTOR. ... RESPONDENT (BY SRI: CHETAN DESAI, HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO

QUASH THE IMPUGNED ORDER DATED 20.11.2015 PASSED BY THE VI ADDL. DIST., AND SESSIONS JUDGE, TUMAKURU IN CRIMINAL REV. PET.No.47/2012, AT ANNEXURE-'F' CONFIRMING THE ORDER PASSED BY THE SENIOR CIVIL JUDGE AND J.M.F.C. SIRA IN C.C.No.93/2000, DATED 27.02.2012 AND THEREBY ALLOW THE APPLICATION FILED BY THE PETR. U/S.239 OF CODE OF CRIMINAL PROCEDURE IN C.C. No.93/2000 PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C., SIRA. 2

THIS CRIMINAL PETITION COMING ON

FOR

ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:- ORDER
Petitioner who is accused No.2 in C.C.No.93/2000 on the file of the Senior Civil Judge and JMFC, Sira has filed this petition to quash the order dated 20.11.2015 passed by the VI Additional District and Sessions Judge, Tumkur in CrI.R.P.No.47/2012. 2. This petitioner along with another have been charge-sheeted for the offence punishable under Section 408 of IPC alleging that they being the Cashier and Manager misappropriated an amount to the tune of Rs.13,82,188.87 belonging to Tumkur District Central Co-operative Bank Ltd.,

Petitioner who is accused No.2 appeared before the Magistrate and filed an application under Section 239 of Cr.P.C. for his discharge. The application was rejected on merits by order dated 27.12.2012. Questioning the legality and correctness of the said order, he preferred Crl.R.P.No.47/2012 on the file of the VI Addl. District and Sessions Judge, Tumkur. Upon merits the revision petition also came to be dismissed confirming the order passed by the Magistrate rejecting the application under Section 239 of Cr.P.C. After the rejection of the application by the Magistrate and the confirmation of the said order by the Sessions Judge, the petitioner has filed this petition under Section 482 of Cr.P.C. to quash the orders passed by the Magistrate and the Sessions Judge. 3. Both the orders came to be passed on merits upon hearing the petitioner. Under such circumstances, it cannot be said that the said orders are liable to be quashed under Section 482 of Cr.P.C. as it would amount to abuse of process of Court. There is no merit in the petition. Accordingly, the petition is dismissed. In view of dismissal of the petition, I.A.No.1/2015 for stay does not survive for consideration and the same stands disposed of. Sd/- JUDGE PMR