

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: CRL.R.C.No.2382 OF 2013

Between:

Kati Kesaiah

.. Petitioner(s)

And

State of Andhra Pradesh

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 13.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

1. Whether Reporters of Local news papers Yes/No
may be allowed to see the Judgments?
2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals
3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.No.2382 OF 2013

ORDER:

This petition is filed questioning the rejection of the petition filed by the petitioner/accused officer in CrI.M.P.No.472 of 2010 in C.C.No.6 of 2010 on the file of Special Judge for SPE & ACB Cases, Vijayawada, dated 07.08.2013.

The petitioner/accused officer while working as Assistant Engineer is said to have been demanded and accepted illegal gratification. When he was accepting the amount, the requisite tests were proved positive, sanction was obtained from the Joint Managing Director (W.No.13), HRD, Commercial, A.P.Transco and prosecution was launched. The present revision is filed to discharge the accused of the charges contending that the said Joint Managing Director is not competent to sanction.

The sanction order has been filed. The statements of the sanctioning authority have been recorded.

The question as to whether the sanctioning authority is competent to accord sanction is the question which is to be gone into during the course of trial. It is needless to say that if really the sanctioning authority is not having competency to accord the sanction, the entire prosecution will be affected which result in the benefit being extended to the petitioner. However, at this stage, this aspect cannot be gone into since it is a matter to be borne out during the course of trial. Hence, the criminal revision case is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. It is always open to the petitioner to raise all contentions available to him during the course of trial with regard to the correctness of the sanction order.

Pending miscellaneous petitions in the revision, if any, shall stands dismissed.
No costs.

M.S.KJAISWAL,J

13.08.2015

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THE HON’BLE SRI JUSTICE M.S.K.JAISWAL

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DATE: 13.08.2015

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