

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.15707 OF 2008

-
DATED 22nd JUNE, 2015

Between :

Ramoji Rao and others

...Petitioners

and

The State of Andhra Pradesh rep. by
Principal Secretary, General Administration
(Poll.D) Department and others

...Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.15707 OF 2008

ORDER

This writ petition was filed challenging G.O.Rt.No.4172, General Administration (Poll.D) Department, dated 07.08.2006 whereby the second respondent was appointed as a Special Public Prosecutor in exercise of powers under Section 24(8) of the Code of Criminal Procedure, 1973.

By interim order dated 05.08.2008, this Court granted interim stay of further proceedings in C.C.No.11 of 2006 on the file of the learned VIII Metropolitan Sessions Judge, Hyderabad, in which the second respondent had been appointed as a Special Public Prosecutor.

While so, Sri Mahmood Ali, learned counsel appearing for the second respondent, informed the Court, on instructions, that his client was not desirous of continuing as a Special Public Prosecutor in the subject case pursuant to the impugned G.O.

Given the aforestated submission, this Court is of the opinion that as the learned counsel who was appointed as a Special Public Prosecutor by way of the impugned G.O. himself seeks to be freed of such engagement, the said G.O. cannot be given effect to. The impugned G.O. is accordingly set aside and the writ petition is allowed to that extent. It shall be open to the parties to take suitable steps in C.C.No.11 of 2006 on the file of the learned VIII Metropolitan Sessions Judge, Hyderabad, in the light of the bifurcation of the erstwhile State of Andhra Pradesh and the consequences thereof. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J.

22nd JUNE, 2015

PGS