

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

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

CRIMINAL REVISION CASE No.412 of 2013

Between:

Dr.A.Suryanarayana and 2 others

..... PETITIONERS

AND

The State of A.P,
Rep.by its Public Prosecutor, Hyderabad

.....RESPONDENTS

The Court made the following:

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

CRIMINAL REVISION CASE No.412 of 2013

ORDER:

This Criminal Revision Case is directed against the order dated 06.12.2012 in CrI.MP.No.385 of 2012 in C.C.No.12 of 2008 on the file of the Special Judge under the Prevention of Corruption Act for Speedy trial of cases of Embezzlement of Scholarship amounts in Social Welfare Department etc., at Criminal Courts Complex, Red Hills, Nampally, Hyderabad, by and under which, the petition filed by the petitioners/A1 to A3 under Section 239 Cr.P.C for discharging them,

was dismissed.

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor, representing the State.

The facts in brief are that the State, represented by the Inspector of Police, Anti-Corruption Bureau, Eluru Range, Eluru filed charge sheet in the Court below against the petitioners/A1 to A3 and the non-petitioners A4 to A11 alleging offences punishable under section 13(2) r/w.Sections 13 (1)(d), 15 of Prevention of Corruption Act, 1988 and under sections 120-B, 109 r/w.Sec.34 IPC.

The 1st petitioner is a retired District Medical & Health Officer, the 2nd petitioner is a retired Administrative Officer and the 3rd petitioner worked as Senior Assistant and incharge Stores in the District Medical and Health Office, Eluru, West Godavari District. It is alleged that during their tenure, certain orders were placed with M/s.Sri Chaitanya Surgicals, Palakol in contravention to the Rules and Regulations for supply of I.V.sets @ Rs.4.15 ps per each set and the total worth of the order placed is Rs.67,230/- The State alleged that this act of the petitioners/A1 to A3 and others amounts to an offence alleged.

The contention of the petitioners/A1 to A3 is that they have nothing to do with the alleged offence, that the rates are fixed by the Committee constituted for the said purpose and that even though the orders were placed, the amount has not been released and hence no offence has been committed by the petitioners/A1 to A3.

In the impugned order, the learned trial Judge held that there is sufficient material on record to proceed with the case against the petitioners/A1 to A3 and others and consequently, dismissed the petition.

It is represented that after dismissal of the petition, charges were framed and two witnesses have already been examined and the trial is in progress. The petitioners/A1 to A3 are seeking discharge from the case on the ground that they have no role to play in the matter of placing

the order and the amount has not been released. This itself is not a ground by holding that absolutely there is no material whatsoever against the petitioners/A1 to A3 to proceed in the trial. What is the role that is attributed to the petitioners/A1 to A3 and whether it actually resulted in pecuniary loss to the State or there are any acts of omissions or commission on the part of the petitioners/A1 to A3 etc., are need to be adjudicated in the trial. The learned trial Court has rightly rejected the request of the petitioners/A1 to A3 to discharge them under section 239 Cr.P.C from the charges alleged.

There are no merits in the present criminal revision case and the same is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 24.06.2015

Dsr