

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

PIL No. 145 OF 2015

10-08-2015

Between:

Y. Vedavyas

... Petitioner

And

Union of India, Ministry of Home Affairs, Department of Home,
Rep., by its Principal Secretary, New Delhi and two others

... Respondents

-
-
-
-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
PIL No. 145 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

In the instant public interest litigation (PIL), the petitioner has made the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court be pleased to issue a Writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the Respondents in prosecuting the cases against sitting MLAs, MPs slowly, enabling the accused to prolonging the process of delivery of Justice, is illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the respondents to conduct the prosecution expeditiously in the cases registered against sitting MLAs, MPs under Prevention of Corruption Act 1988 and pass such other order or orders as are deem fit and proper in the circumstances of the case and in the interest of Justice.”

The respondent – Central Bureau of Investigation (CBI) has filed counter affidavit stating that the accused in all the cases have filed applications seeking discharge and those applications are being heard by the Principal Special Judge for CBI cases. The relevant portion of the affidavit reads thus:

“It is submitted that the counsel for the accused have sought permission from the court for arguing the discharge petitions in all the cases one after the other and for pronouncing order after completion of arguments in all

the cases as the orders in one case would have impact on all the other cases.

It is submitted that the Hon'ble Prl. Special Judge for CBI cases has accordingly started hearing discharge applications one after the other.

It is submitted that presently in Hyderabad there are four courts dealing with CBI cases, including the present case i.e Y.S. Jagan Mohan Reddy case:

1. Principal Special Judge for CBI cases, at Nampally, Hyderabad.
2. I Additional Special Judge for CBI Cases, at Gagan Vihar, Nampally, Hyderabad.
3. II Additional Special Judge for CBI Cases, at Gagan Vihar, Nampally, Hyderabad.
4. III Additional Special Judge for CBI Cases, at Gagan Vihar, Nampally, Hyderabad.

It is submitted that except the Principal Special Judge for CBI Cases, the other 3 courts are non-functional, as the Presiding Officers have not been posted to those three courts.

It is submitted that presently the cases are at the stage of arguments by the defence advocates with regard to the petitions filed by the accused for discharge before framing of charges.”

Keeping in view the averments made in the counter affidavit, when we expressed that this PIL can be disposed of with observation that discharge applications may be heard and disposed of expeditiously, learned counsel for the petitioner agreed for the same.

PIL is accordingly disposed of by the following order:

“The Principal Special Judge for CBI cases, at Nampally, Hyderabad shall consider and decide discharge application/s in different criminal cases, as mentioned in the counter affidavit, expeditiously and as he dispose it/them of, may proceed to conduct/hear the main case/s also expeditiously. The learned Judge need not wait for hearing of criminal case/s till disposal of all discharge applications. It is made clear that this Court has not examined merits of the case. In other words, we shall not be understood to have expressed any opinion on merits of the case.”

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

10-08-2015
ks