

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

Criminal Revision Case No.1424 of 2015

Between :-

G.Vara Prasad

.. Petitioner

and

The State of A.P.

Rep.by its Special Public Prosecutor,
CBI, High Court, Hyderabad

.. Respondent

DATE OF JUDGMENT PRONOUNCED: August, 2015

SUBMITTED FOR APPROVAL:

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

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|---|--------|
| 1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of Judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

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

Criminal Revision Case No.1424 of 2015

ORDER:-

This revision is directed against the orders of the learned

Principal Special Judge for CBI Cases, Visakhapatnam, dated 02-07-2015, made in CrI.M.P.No.838 of 2015 in C.C.No.1 of 2005, by and under which, the learned Judge has dismissed the petition filed by the petitioner/A.2 to direct the General Manager (Personal), United India Insurance Company, Head Office, Chennai, to produce or cause production of the entire file sent by CBI, Visakhapatnam, in C.R.No.25A/2003 seeking sanction against the petitioner/A.2.

2. The petitioner/A.2 is facing trial for the charges punishable under Sections 13 (1)(d) of the Prevention of Corruption Act and Sections 120(B), 420, 465, 468 and 471 I.P.C. in C.C.No.1 of 2005 and at that time he is said to have been working as Senior Branch Manager, United India Insurance Company Ltd. The prosecution has already examined PWs.1 to 23 and Ex.P.81 is marked through PW.23, which is said to be the proceedings sanctioning prosecution of the petitioner/A.2, dated 30-08-2004.

3. After the evidence was closed, the matter is coming up for arguments. At that stage, the petitioner/A.2 filed the petition to summon the file as stated above. It is contended that the respondent/CBI has not submitted the entire material to the sanctioning authority-PW.23 and that they have only sent a draft sanction order which was approved by the sanctioning authority viz., PW.23, which means that there was no application of mind and non-perusal of the entire material on record. Therefore, the file submitted by the respondent/CBI need to be summoned and perused.

4. The contention of the respondent/CBI is that after the entire trial is concluded, the petitioner/A.2 filed the petition with the sole intention of delaying the disposal of the case. It is submitted that the evidence of PW.23 was concluded on 27-02-2013. More than two years thereafter, i.e., on 22-06-2015, the petitioner/A.2 filed the petition. This itself shows the attitude of the petitioner/A.2 in protracting the trial.

5. The learned trial Judge has considering all the aspects and also relying upon certain authorities on the subject held that the

petitioner/A.2 is not entitled to the relief.

6. While the provisions of the Code of Criminal Procedure viz., Section 243 (2) Cr.P.C., gives a right to the accused to seek summoning of a document but it also provides that such application should be refused if it is shown that the same is made for the purpose of delaying or defeating the ends of justice. In the instant case, it appears to be a case where the petitioner/A.2 has no *bona fides* in seeking the relief and it is evident from the fact that the trial in the matter has been pending for more than five years and after the prosecution examined several witnesses including PW.23, who is the authority which accorded sanction and the evidence was concluded on 27-02-2013, more than two years thereafter i.e., on 22-06-2015, the petition is filed to summon the file which is said to have been submitted by the respondent/CBI to the sanctioning authority in the year 2004. On this aspect, PW.23 has been elaborately cross-examined. Therefore, the petition of the petitioner/A.2 was rightly dismissed by the learned trial Judge and there are no circumstances which warrant granting the relief to the petitioner/A.2 and the revision is liable to be dismissed.

7. In the result, Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M.S.K.Jaiswal, J

August, 2015

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