

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.3309 OF 2008

DATED 22nd JUNE, 2015

Between :

Amoda Publications Private Ltd. and
another

...Petitioners

and

The Government of Andhra Pradesh rep. by
its Chief Secretary and others

...Respondents

-
-
-
-

-
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.3309 OF 2008

-
O R D E R
-

This writ petition was filed challenging G.O.Rt.No.5363, General Administration (Poll.D) Department, dated 12.09.2007 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 16.07.2008, this Court granted interim stay of further proceedings in C.C.No.1 of 2007 on the file of the learned VII Additional Metropolitan Sessions Judge, City Criminal Courts, Hyderabad, in which the second respondent had been appointed as a Special Public Prosecutor.

While so, the State of Telangana filed Memo dated 10.11.2014 stating that it was not interested in pursuing the matter and that the case had been entrusted to the residuary State of Andhra Pradesh for further action, if any.

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 aforesaid facts, 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. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J.

22nd JUNE, 2015
PGS