

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.623 of 2015

ORDER:

The grievance of the petitioners in this case is as to the appointment of a Special Public Prosecutor for conducting the trial in S.C.No.2 of 2008 (S.C.No.7 of 2000 (Old S.C.No.4 of 1997)) relating to Crime No.1 of 1997 on the file of Draksharama Police Station, East Godavari District. The said case is stated to be pending on the file of the learned XI Additional District & Sessions Judge –cum-Special Sessions Judge under the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989, Visakhapatnam.

Today, the learned Assistant Government Pleader for Home produced before the Court a copy of G.O.Rt.No.765, Home (Courts.A) Department, dated 06.07.2015, whereby the Government of Andhra Pradesh appointed one Sri Mohammed Jawahar Ali, Advocate, as a Special Public Prosecutor to prosecute S.C.No.2 of 2008 on the file of the learned XI Additional District & Sessions Judge –cum-Special Sessions Judge under the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989, Visakhapatnam, in exercise of powers under Section 24(8) Cr.P.C.

Sri Bojja Tarakam, learned Senior Counsel for the petitioners, upon being shown a copy of the aforestated G.O., informed the Court that the grievance of the petitioners as regards the appointment of a Special Public Prosecutor in the place of the 5th respondent stands settled. In the light of this new development, he would however urge this Court to issue necessary directions for speedy disposal of the sessions case.

As the sessions case is stated to be pending since the year 2000 and relates to an offence alleged to have been committed in the year 1997, this Court is of the opinion that due priority should be given by the Court concerned to this case.

The writ petition is accordingly disposed of directing the learned XI Additional District & Sessions Judge—cum-Special Sessions Judge under the Scheduled Castes & Scheduled Tribes (Prevention Of Atrocities) Act, 1989, Visakhapatnam, to give due priority to S.C.No.2 of 2008 and dispose of the same on merits expeditiously. The State shall take all possible measures to prosecute the case without further delay.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:14.07.2015

Note:

A copy of this order shall be marked to the learned XI Additional District & Sessions Judge-cum-Special Sessions Judge under SC & ST (POA) Act, 1989, Visakhapatnam.

GJ