

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

WEDNESDAY, THE FOURTEENTH DAY OF OCTOBER  
TWO THOUSAND AND FIFTEEN

PRESENT

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

**CRIMINAL REVISION CASE No.1042 of 2013**

Between:

Ch.Rama Rao

**..... PETITIONER**

AND

The State of A.P. rep.by its Public Prosecutor,  
High Court, Hyderabad

**.....RESPONDENT**

**The Court made the following:**

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

**CRIMINAL REVISION CASE No.1042 of 2013**

**ORDER:**

The criminal revision case is filed against the order dated 15.04.2013 in

Crl.M.P.No.1372/2008 in CC No.2/2008 on the file of the Principal Special Judge for SPE & ACB Cases, Hyderabad, by and under which, the Court below dismissed the petition filed by the petitioner/accused under section 239 Cr.P.C seeking to discharge him from the charges levelled against him.

Heard the learned counsel appearing for the petitioner/accused and the learned Additional Public Prosecutor, representing the State.

The petitioner while working as a Deputy Superintendent Engineer, Electrical Circle, R & B Hyderabad is alleged to have been trapped by the ACB on a complaint lodged by the *de facto* complainant with regard to demand and receipt of illegal gratification in the course of discharge of his official duties. Vide G.O.Ms.No.275, dated 29.09.2007 the Government accorded permission to prosecute the petitioner/accused. A crime was registered against the petitioner/accused in Cr.No.5/ACB-CR/2006 under Section 7, 13(1)(d) r/w.Sec.13(2) of the P.C.Act. In the meantime, the petitioner/accused filed W.P.No.23411 of 2007 questioning the order of sanction. By order dated 02.11.2007 in WPMP.No.30601/2007 in WP No.23411/2007 this Court directed that there shall be interim suspension of the operation of G.O.Ms.No.275, dated 29.09.2007. Thereafter, W.P.No.23411/2007 was heard and allowed vide orders dated 03.03.2015. The operative portion of the order reads as under:

“In the facts and circumstances of the case, this Court finds no scintilla of hesitation nor any traces of doubt to hold that the impugned G.O.cannot stand for judicial scrutiny. For the aforesaid reasons and having regard to the principles laid down by the Hon’ble Apex Court and this Court in the judgments referred to supra, writ petition is allowed, setting aside the G.O.Ms.No.275, Transport, Roads and Buildings Department, dated 29.09.2007. However, it is open for the respondents herein, if so advised, to pass appropriate orders afresh, in accordance with law and in the light of the observations made supra and in the light of the law laid down in the above referred judgments.”

In view of the orders passed in W.P.No.23411/2007, the Government issued G.O.Ms.No.39, Transport, Roads & Buildings (VIG.R&B) Department, dated 19.09.2015, expressing its decision to drop further action against the petitioner/accused.

In that view of the matter, continuing further proceedings against the

petitioner/accused cannot be sustained. The order of this Court in W.P.No.23411/2007 is to the effect that the sanction of prosecution against the petitioner/accused itself is not proper and once the sanction of prosecution is found to be improper, no further proceedings can be continued against the petitioner/accused.

In view of the above, the Criminal Revision Case is allowed. The order of the Court below dated 15.04.2013 is set aside, and the petitioner/accused is discharged from the charges levelled against him in C.C.No.2/2008 on the file of the Principal Special Judge for SPE & ACB Cases, Hyderabad. The bail bonds of the petitioner/accused, if any, shall stand cancelled.

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

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**M.S.K.JAISWAL,J**

Date: 14.10.2015

Dsr