

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

CRIMINAL REVISION CASE No.1523 of 2008

ORDER:

This Criminal Revision Case is filed questioning the correctness of the order of the learned Additional Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad in CrI.MP.No.490/2008 in C.C.No.23 of 2007, dated 22.09.2008, by and under which, the learned Judge rejected to accord permission to the prosecution to withdraw the prosecution under section 321 Cr.P.C.

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

The case of the prosecution is that on credible information that the petitioner/accused had acquired assets disproportionate to his known source of income, a case in Cr.No.4/ACB-HR/2005 under section 13(1)(e) r/w.Sec.13(2) of P.C.Act was registered on 03.03.2005 and after obtaining search warrant, the premises of the petitioner/accused and his family members were searched simultaneously and found assets disproportionate to his known sources of income and they were found in his name as well as in the name of his wife and children, for which the petitioner/accused could not satisfactorily explained. After obtaining necessary sanction to prosecute the petitioner/accused, vide G.O.Ms.No.207, dated 29.03.2007, charge sheet was filed against the petitioner/accused. The Court below has taken cognizance and summons issued to the petitioner/accused.

At this stage, the prosecution filed petition under Section 321 Cr.P.C seeking permission to withdraw the prosecution case, stating that the Government initiated Departmental action against the accused

and hence sought for withdrawal of the case.

The Court below, after elaborate discussion on the subject, and on cogent and valid reasons, rightly rejected to accord permission to the prosecution to withdraw the case against the petitioner/accused. I see no reason to interfere with the said finding. There are no merits in the revision.

Accordingly, the Criminal Revision Case is dismissed.

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

M.S.K.JAISWAL,J

Date:16.12.2015

Dsr