

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1178 of 2011

ORDER:

1. This Criminal Revision Case is filed by the petitioner-accused No.1 against the order dated 15.4.2011 passed in CrI.M.P.No.428 of 2011 in C.C.No.12 of 2005 by the Special Judge for CBI Cases, Visakhapatnam.
2. The petitioner was charged in the above C.C. for the offences punishable under Sections 7, 13(1) (e) r/w 13(2) and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988. The petitioner filed the above CrI.M.P. under Sections 3 and 4 of the Prevention of Corruption Act r/w 395 Cr.P.C. on the ground that the Court of the learned Special Judge for CBI Cases, lacks jurisdiction to try the offences under the Prevention of Corruption Act, 1988 in the absence of notification issued either by the Central Government or the State Government specifying the name of the Officer.
3. Heard both sides and perused the material available on record.
4. It is the contention of the learned Counsel for the petitioner that notification has not been issued in consonance with the provisions of Section 3 of the Prevention of Corruption Act in the instant case specifying the name of the officer.
5. At this stage, it is relevant to go through the provisions of Section 3 of the Prevention of Corruption Act which reads thus:

“ Section 3(1): The Central Government or the State Government may, by notification in the Official Gazette, appoint as many special Judges as may be necessary for such area or areas or for such case or group of cases as may be specified in the notification to try the following offences, namely: - (a) any offence punishable under this Act; and (b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a).

(2) A person shall not be qualified for appointment

as a special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure, 1973.”

6. In this regard, it is brought to the notice of this Court that in exercise of powers under Section 3 (1) of the Prevention of Corruption Act only, G.O.Rt.No:387, Law (LA & J Home Courts. B) Department, dated 28.3.2000 was issued by the State Government notifying the Court of Special Judge for trial of Central Bureau of Investigation Cases, Hyderabad and Visakhapatnam, while notifying the area over which the Courts exercise jurisdiction.

7. In the light of the G.O coupled with the powers conferred to the District & Sessions Judges to act as Special Judges, this Court is of the view that in each and every case, separate specific notification is not necessary and as such, the order impugned herein does not suffer from any illegality or irregularity and thereby, it does not warrant any interference by this Court. Therefore, the present revision case is liable to be dismissed.

8. Accordingly, this Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

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RAJA ELANGO, J

19th July, 2016

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