

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.24475, 21407 and 18318 of 2006

COMMON ORDER:

1. These three Writ Petitions are being disposed of by this common order as they challenge the proceedings issued by the Divisional Cooperative Officer to the Station House Officer for registering a case against the persons who were alleged to have misappropriated the amount belonging to the societies.

2. A reading of the impugned orders show that inspection was made into the affairs of the Primary Agricultural Cooperative Credit Societies, which revealed the misappropriation of amount. The Inspecting Officer suggested initiation of criminal proceedings against the persons responsible for misappropriation. The District Cooperative Officer sent proposals to the Commissioner for Cooperation and Registrar of the Cooperative Societies for sanction of prosecution and the same was sanctioned. Consequent to the same, when a communication was issued to the Station House Officer for registering a case, the present Writ Petitions were filed.

3. This Court by order dated 24.11.2006 granted interim suspension of the impugned orders, as a result of which, no further proceedings were taken.

4. Section 52 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') provides for special procedure with regard to the consideration of the report of the Inspecting Officer. There is a

separate Chapter XII dealing with offences and penalties. Section 79 of the Act provides for the offences under the Act and Section 79A of the Act deals with punishment for corrupt practices. Section 83 of the Act deals with cognizance of the offences. Sub section (3) of Section 83 of the Act states that no prosecution shall be instituted without previous sanction of the Registrar. In the instant case, appropriate sanction was obtained from the Registrar and on the basis of the information available from the report of the Inspecting Officer, criminal proceedings are being taken. In view of the same, this Court sees no illegality in the impugned orders.

5. These three Writ Petitions are accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.



A.RAMALINGESWARA RAO, J

22-12-2016
Gsn