

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4618 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 01-03-2016 in CrI.M.P.No.288 of 2015 in C.C.No.99 of 2013 passed by the learned Special Judge for trial of SPE & ACB Cases, Kurnool and for a direction to the Court below to conduct a joint trial of C.C.No.99 of 2013 along with C.C.No.18 of 2014 pending on its file.

The case of the petitioners herein is that the Anti Corruption Bureau, Kurnool registered a case against the petitioners herein and other accused in C.C.No.18 of 2014 for the offences punishable under Sections 465, 468, 471, 120-B, 34, 109 IPC and Section 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act in Crime No.2/RCO-KUR/2012. Charge sheet filed against the petitioners/A-1 and A-5 was taken on file and numbered as C.C.No.99 of 2013 and the charge sheet filed against A-2 to A-4 and A.O.8 was taken on file and numbered as C.C.No.18 of 2014, in which the allegations are one and the same except some witnesses and documents. To that effect, the petitioners herein filed CrI.M.P.No.288 of 2015 in C.C.No.99 of 2013 stating that if separate trials were conducted in both the cases, there is possibility of passing two conflicting judgments in respect of the same set of facts and to avoid the same, the petitioners requested to conduct a joint trial in C.C.No.18 of 2014 and in C.C.No.99 of 2013. The learned Special Public Prosecutor filed a counter stating that joint trial is not possible as C.C.No.99 of 2013 pertains to Benami liquor shop at Nandikotkur and C.C.No.18 of 2014 relates to Benami liquor shop at Dhone and that charges were framed in C.C.No.99 of 2013 and in C.C.No.18 of 2014 charged are yet to be framed. The learned Special Judge dismissed the said

application holding that though some of the witnesses and documents are similar in both the cases and some of the witnesses and documents are different, it is not possible to club both cases and to conduct joint trial. Aggrieved by the said order, the present criminal petition has been filed.

On perusal of the material on record, it appears that the learned Special Judge, considering the present state of affairs of the facts in both the cases, dismissed the application opining the impossibility of conducting joint trial though some of the witnesses and documents are similar in both the cases. The learned Special Judge also held that even though it is not possible to conduct joint trial in both the cases, it can possible to trial both the cases separately and pronounce the judgments at the same time.

Considering the facts and circumstances of the cases, this Court is of the view that the petitioners/accused would not be prejudiced if separate trials are conducted in both the cases, as rightly opined by the Special Judge. There is nothing illegal in the order impugned calling for interference of this Court under Section 482 Cr.P.C., and hence, the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed. However, it is made clear that the learned Special Judge shall conduct separate trial simultaneously in both the cases and pronounce judgments at the same time in accordance with law. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 04-04-2016

—
Ksn