

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2941 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 30.10.2015 passed in CrI.M.P.No.835 of 2015 in C.C. No.14 of 2010 by the Court of the Special Judge for SPE and ACB Cases, Visakhapatnam, whereby the learned Judge dismissed the petition filed by the petitioner/A.1 under Section 243(2) of the CrPC to summon the Section Officer, Environment, Forests, Science and Technology (For-IV) Department, Andhra Pradesh Secretariat, Hyderabad, to produce the entire file sent by ACB in Crime No.11/RCT/VSP/2009 seeking sanction order against the petitioner/A.1.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by the petitioner to summon the Section Officer, Environment, Forests, Science and Technology (For-IV) Department, Andhra Pradesh Secretariat, Hyderabad, to produce the entire file sent by ACB in Crime No.11/RCT/VSP/2009 seeking sanction order against the petitioner/A.1. He further submits that summoning the said person is very much essential to prove the case of the petitioner and if he is not summoned, it would cause serious injustice to the petitioner/A.1.

This Court is of the view that the Court below rightly dismissed the petition filed by the petitioner to summon the Section Officer, Environment, Forests, Science and Technology (For-IV) Department, Andhra Pradesh Secretariat, Hyderabad, as the prosecution filed the sanction order and that the same is marked as Ex.P.9 by examining the Section Officer concerned as P.W.4 and further, that the petitioner/A.1 has

cross-examined P.W.4 in detail. The Court below further held that by summoning the Section Officer, Environment, Forests, Science and Technology (For-IV) Department, Andhra Pradesh Secretariat, Hyderabad, the case of the petitioner/A.1 would not be improved and as such, dismissed the petition. This Court is of the view that the order of the Court below is in accordance with law and needs no interference by this Court.

The Criminal Revision Case is accordingly dismissed. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

28.01.2016
pln



JUSTICE RAJA ELANGO