

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

CRIMINAL PETITION No.12380 of 2016

ORDER:

This Criminal Petition is filed by the petitioner, under Section 482 of Cr.P.C., with a prayer to call for the records pertaining to C.C.No.1184 of 2014 on the file of the Judicial Magistrate of First Class, Srikakulam to direct the petitioner to get sanction from the competent authority against respondents 2 and 3/A3 and A4.

Heard and perused the material on record.

The grievance of the petitioner/de-facto complainant in C.C.No.1184 of 2014 on the file of the Judicial Magistrate of First Class, Srikakulam is that he filed a private complaint against ten (10) accused and out of whom the trial Court has not taken cognizance against respondents 2 and 3/A3 and A4 in the private complaint as they are public servants and sanction from the competent authority need to be obtained. By saying so, two (2) months time is granted by the learned Magistrate to the petitioner/de-facto complainant so as to prosecute A3 and A4.

Learned counsel for the petitioner submits that pursuance to the direction, the petitioner/de-facto complainant approached the competent authority for according sanction for prosecuting respondents 2 and 3 herein and since it was not accorded within the time, he filed W.P.No.17669 of 2015 before this Court seeking appropriate direction to the competent authority to accord sanction. The said writ petition is pending before this Court. Pending writ petition, the learned Magistrate has taken cognizance

against all the accused except respondents 2 and 3 herein and also insisting for proceeding with trial without taking cognizance against respondents 2 and 3 herein.

After hearing learned counsel for the petitioner, the following direction are given so as to give reasonable opportunity to the petitioner/de-facto complainant to obtain appropriate orders from the competent authority:

The learned Magistrate should not proceed with the trial in C.C.No.1184 of 2014 for a period of two (2) months from today and during this period it is for the de-facto complainant to obtain appropriate orders in so far as A-3 and A-4/ respondents 2 and 3 herein is concerned. If the petitioner fails to obtain sanction from the competent authority the learned Magistrate can proceed with the trial against all the accused, except respondents 2 and 3/A3 and A4 in private complaint.

Accordingly, the Criminal Petition is disposed of. Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K. JAISWAL, J

August 27, 2016
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THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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