

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34790 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking Mandamus, to declare the order passed by the 1st respondent vide G.O.Ms. No.100 Revenue (Vigilance-II) Department, dated 07.02.2011, to continue prosecution, as contrary to the earlier proceedings issued by the 1st respondent in G.O.Ms.No.50, dated 19.01.2011, as illegal and arbitrary, and consequently, quash the proceedings in CC No.47 of 2015 on the file of the Special Judge for SPE and ACB Cases at Karimnagar.

Heard and perused the material available on record.

The main contention raised by the learned counsel for the petitioner is that the sanction order filed by the respondents before the Court concerned, discloses the fact that as per the request of the Director General, Anti Corruption Bureau – 3rd respondent, some rectifications were made in the sanction order and that it appears as a review of the earlier sanction order issued by the 1st respondent, and therefore, he requested to pass an order that there cannot be any review or fresh sanction to prosecute the petitioner.

Learned Standing Counsel appearing for the respondents 2 to 4 submitted that since there are some grammatical and typographical errors in the earlier order and some factual aspects are not properly placed, the same was informed to the authority concerned, and that after rectification of the grammatical and typographical errors, the impugned G.O. was issued, therefore, rectification of the grammatical and typographical errors by the sanctioning authority would not amount

to review of its own order. Further, the respondents submitted that in any manner the request made by the 3rd respondent informing that there are some discrepancies in the earlier order, would not have any impact on the impugned order passed by the authority concerned.

The learned counsel for the petitioner submitted that in order to know the grounds on which the 3rd respondent addressed the letter to the authority concerned for rectification of the mistakes in the earlier order, he approached the authorities concerned by way of Right to Information Act, but the same was rejected, and against the same, he preferred an appeal and the appeal also rejected since the material was already placed before the Court concerned.

This Court, after hearing the rival contentions of both the parties, is of the view that rectification of some grammatical and typographical errors, made by the sanctioning authority, more particularly, on the basis of the letter addressed by the 3rd respondent, would not amount to review of its earlier order. The said grammatical and typographical errors, which the 3rd respondent informed in his letter, are as follows:

1. In Page-1, paragraph-2 at line-9 in place of word 'him', the word 'his' should be typed; and at line-14 in place of the word 'process', the words 'process the file' should be typed; and at line-16 in place of the word 'need', the word 'heed' should be typed.
2. In page-2, paragraph-4 at line 8, in place of the words 'currency notes', the word 'arrangements' should be typed.
3. In page-2, paragraph-5 at lines 3, 4, 5, 6 and 11, after the name of Sri M. Uppal Reddy, in place of the words 'accused officer' the word 'Tahsildar' should be typed.

The said letter addressed by the 3rd respondent, for correction of the grammatical and typographical errors, has not changed the subject matter of the order passed by the sanctioning authority. Hence, this Court is of the view that there is nothing to interfere with the order of sanction passed by the authority concerned in the impugned G.O.

Further, learned counsel for the petitioner made a request to direct the respondents to provide all the papers to him, which necessitates the 1st respondent to pass the impugned sanction order. Learned Standing Counsel for the respondents 2 to 4 objected for the same since the said letter is an internal communication for issuance of sanction order, basing on the material collected by the investigating agency concerned.

Considering the submissions on either side, this Court is of the view that under Section 207 Cr.P.C., the petitioner is entitled for the copies of the documents, which the prosecution wants to rely to prosecute the person concerned. It is needless to say that the petitioner is also entitled to obtain a copy of the sanction order also. If the petitioner has any grievance regarding the sanction order passed by the authorities concerned, he is at liberty to raise the same, at the time of trial before the concerned Court.

Accordingly, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

November 01, 2016.
KTL