

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.31364 of 2014

Between:

P.Surendra Babu and another.

....Petitioners

and

The Government of Andhra Pradesh,
Rep.by the Principal Secretary,
Finance Department, Secretariat, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 25.04.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.31364 of 2014

ORDER:

This Writ Petition was filed challenging the action of the respondents in not conducting a speedy trial and procrastinating the same resulting in loss of terminal benefits to the petitioners.

The petitioners are retired Government servants and on the complaint of the sixth respondent, a case was registered against them under Section 13(2) read with Section 13(1)(c), (d) of the Prevention of Corruption Act, 1988, and Section 409 of IPC with the allegation that

while the petitioners were working as Divisional Accounts Officers they committed some serious financial irregularities. A criminal case was registered against 32 officers of the State in FIR No.1 of 2003 on 06.01.2003 and the petitioners herein are accused Nos.8 and 14 respectively. The respondents completed the investigation and charge sheet was filed before the Court of Principal Special Judge for SPE & ACB Cases – cum – IV Additional Chief Judge, City Civil Court, Hyderabad, and it was numbered as C.C.No.4 of 2008. Subsequently, it was transferred to the Court of Principal Special Judge for SPE & ACB Cases, Kurnool, and renumbered as C.C.No.77 of 2013. In view of the pendency of the said case for the last 13 years and the consequential effect on the pensionary benefits of the petitioners, this Writ Petition was filed.

Respondent No.7, who is the Special Judge for SPE & ACB cases, Rayalaseema Region at Kurnool, filed a counter affidavit stating that after the transfer of the case to his Court, it was registered as C.C.No.77 of 2013 on 16.08.2013. The case was being delayed since some of the accused officers were absent on the adjourned dates and petitions were filed for condoning their presence. Sometimes the prosecution took time for filing the death certificates of the accused officers and the case was also adjourned on that count. Thus, both the parties contributed for the delay of the case. There were old cases than the present case in C.C.No.77 of 2013 and the cases are being taken up as per the serial order.

In view of the relief sought in the Writ Petition, it is not necessary to advert to the averments made in the counter affidavit filed on behalf of respondent Nos.1 and 3, except stating that the petitioners retired on 30.06.2013 and 30.06.2006 respectively. They are being paid provisional pension at the rate of 75% service pension from the date of superannuation vide G.O.Rt.No.1502, dated 23.04.2014, and G.O.Rt.No.353, dated 30.01.2008.

It is clear from the above facts that the crime was registered way back in 2003 and charge sheet was filed in 2008. Thereafter, the case was transferred to the Court in Kurnool, which was renumbered as C.C.No.77 of 2013. In view of the hardship faced by the petitioners and other accused in the case, it is necessary to give a direction to respondent No.7 to dispose of the case as expeditiously as possible, but not later than 31.12.2016 in the interest of justice. It is needless to observe that the accused and the prosecution shall cooperate for the disposal of the case.

This Writ Petition is, accordingly, disposed of with the above observations. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

25.04.2016
vs