THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.Nos.376, 377 and 378 of 2016

COMMON ORDER

Since all these revisions arise out of separate orders dated 26.11.2015 passed in Crl.M.P.Nos.2257, 2256 and 2161 of 2015 in S.C.No.106 of 2015 on the file of the Metropolitan Sessions Judge-cum-Special Court under the Prevention of Money Laundering Act, 2002, Nampally, Hyderabad, they are being disposed of by this common order.

2. The facts, in brief, are that the respondent/complainant had registered a case in RC.No.19(A)/2011-CBI-Hyderabad against the present petitioners/A1 to A3 for the alleged misappropriation of public property and other aspects relevant thereto, pursuant to the directions of this Court. After investigation, charge sheet was filed by the CBI and the case was taken on file as C.C.No.9 of 2012 on the file of the Principal Special Judge for CBI Cases at Nampally, Hyderabad, for the offences under Section 120(B), read with Sections 420, 468 and 471 IPC and under Section 9 of Prevention of Corruption Act, 1988 against them.

3. Subsequently, based on the final report filed in C.C.No.9 of 2012 and after conducting enquiries with the concerned departments, the respondent also filed Enforcement Case Information Report No.09/HZO/2011 and took up the investigation. After investigation, the respondent filed a complaint under Section 200 Cr.P.C. read with Section 45 of Prevention of Money Laundering Act, 2002 (for short 'PML Act') punishable under Section 4 of PML Act and the same was numbered as S.C.No.106 of 2015 on the file of the Metropolitan Sessions Judge-cum-

Special Court under the Prevention of Money Laundering Act, 2002, Nampally, Hyderabad.

4. Stating that as per Section 44 of PML Act, the offence punishable under Section 4 of PML Act and any scheduled offence connected to the offence under that Section shall be triable by the Special Court, the respondent filed Crl.M.P.No.1591 of 2015 in C.C.No.9 of 2012 under Section 44(1)(c) of PML Act for transfer of C.C.No.9 of 2012 to the Court of Metropolitan Sessions Judge-cum-Special Court under the Prevention of Money Laundering Act, 2002, Nampally, Hyderabad, to be tried along with S.C.No.106 of 2015 and the same is pending.

5. While so, the petitioners herein filed the impugned applications seeking to defer all further proceedings in S.C.No.106 of 2015 till conclusion of adjudication in the case of scheduled offence being C.C.No.9 of 2012 on the file of the Principal Special Judge for CBI Cases, Hyderabad. The respondent filed counters. By the orders impugned, the said applications were dismissed by the Special Court. Aggrieved by the same, the present revisions are filed.

6. Learned senior counsel for the petitioners in all these revisions contended that unless and until the case of scheduled offence being C.C.No.9 of 2012 is first determined, the petitioners cannot be subjected to trial for an offence under PML Act and therefore, they seek suspension of the proceedings in S.C.No.106 of 2015 till conclusion of adjudication in the case of scheduled offence being C.C.No.9 of 2012.

7. On the other hand, learned Assistant Solicitor General

appearing on behalf of the respondent contended that the petitioners without filing the counters in Crl.M.P.No.1591 of 2015 in C.C.No.9 of 2012, which was filed for transfer of C.C., filed the impugned applications with an intention to drag on the proceedings. He submits that under the provisions of PML Act, there is no specification with regard to the fact that only after conviction of the accused in C.C., filed for scheduled offence, the proceedings for trial in S.C., filed under the provisions of PML Act have to be initiated and therefore, the impugned orders need not be interfered with.

8. Heard both sides and perused the material on record.

9. Considering the facts and circumstances of the case and in view of the rival contentions of both parties and since the petition for transfer of C.C.No.9 of 2012 filed by the respondent is pending, without going into the merits of the matter, all these revisions are disposed of with the following directions;

(i) The learned Principal Special Judge for CBI Cases at Nampally, Hyderabad, is directed to dispose of Crl.M.P.No.1591 of 2015 in C.C.No.9 of 2012 on or before 29.02.2015 in accordance with law after hearing both parties.

(ii) The petitioners are directed to raise their objections, if any, regarding conduct of trial in both the cases simultaneously and also any other objections on the order, if any, passed in Crl.M.P.No.1591 of 2015.

(iii) The Metropolitan Sessions Judge-cum-Special Court under the Prevention of Money Laundering Act, 2002, is directed to proceed further in S.C.No.106 of 2015 only after adjudication in Crl.M.P.No.1591 of 2015 in C.C.No.9 of 2012 by the learned Principal Special Judge for CBI Cases at Nampally, Hyderabad, and pass appropriate orders in accordance with law.

(iv) Both parties are at liberty to seek their remedies, if any, by filing appropriate applications in appropriate forum.

Miscellaneous petitions, if any, pending in these revisions, shall stand closed.

RAJA ELANGO, J

5th February, 2016

sj