

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.10746 OF 2015

ORDER:

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This Criminal Petition is filed by the accused No.27, 28 and 7 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.1 of 2011 pending on the file of Special Judge for Prevention of Corruption Act for Speedy Trial of Cases of Embezzlement at Nampally, Hyderabad arising out of offences under Sections 120B, 477-A, 409 and 420 IPC.

The brief facts of the case are as follows:

Sri P.Daya Chary, IAS. Director of Social Welfare Department, Hyderabad, lodged a report with Criminal Investigation Department (CID), Hyderabad on 21.1.1994 basing on the report submitted by the Department of Vigilance and Enforcement, Andhra Pradesh, Hyderabad, stating that certain false claims of scholarships were made on fictitious names of Scheduled Castes and Backward Classes College students in respect of 95 educational institutions (both Private and Government Institutions) in twin cities of Hyderabad and Secunderabad, by the Officials of the Office of Deputy Director, Social Welfare, Hyderabad and misappropriated huge Government funds and thereby cheated the Government fraudulently. Hence, the complaint.

Learned counsel for the petitioners submits that the alleged misappropriation of funds took place during the years 1984-1987, whereas the complaint was lodged with regard to the alleged offence in 1994, after lapse of ten years. Thereafter, the investigating agency filed charge sheet in 2011 and the petitioners herein are arrayed as accused Nos.27, 28 and 7 respectively. He further submits that the petitioners are in no way

connected to the offence as alleged against them. He further submits that there is an inordinate delay in the proceedings, i.e., the report was given on 21.01.1994, whereas for about twelve (12) years, there was no action on behalf of the prosecution. He further submits that the departmental proceedings initiated against the petitioners were ended with the report that the charges were not proved. Hence, the petitioners are entitled for quashing the complaint.

The learned counsel for the petitioners further submits that similarly situated persons who are arrayed as A.21 & A.5 in the same C.C., preferred CrI.P.No.6523 of 2012 and CrI.P.No.15720 of 2013 respectively, and this Court allowed the said petitions holding that 'when once the departmental proceedings against the petitioner were dropped, the pendency of trial against the petitioner is nothing but an abuse of process of law. This Court is also of the view that no purpose would be served in proceeding with the trial especially in the absence of any records, as the entire case is based on the material evidence.'

Heard and perused the material available on record.

The petitioners herein are similarly situated with that of A.21 and A.5. The proceedings against them were quashed by this Court by allowing CrI.P.No.6523 of 2012 dated 13.7.2015 and CrI.P.No.15720 of 2013 dated 10.9.2015 respectively.

Hence, this Court is of the view that the same reasons would apply to the present case and the same benefit would be extended to the petitioners herein by quashing the impugned proceedings as against them.

In the result, the criminal petition is allowed and the proceedings in C.C.No.1 of 2011 on the file of the Special

Judge for Prevention of Corruption Act for Speedy Trial
of Cases of Embezzlement at Nampally, Hyderabad are
hereby quashed as against the petitioners herein.

Consequently, miscellaneous petitions, if any, pending,
shall stand closed.

JUSTICE RAJA ELANGO

16.03.2016

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