

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15699 OF 2016

ORDER:

This criminal petition, under Section 482 Cr.P.C, is filed to quash the proceedings against the petitioner in C.C. No.1196 of 2013 pending on the file of I Additional Judicial Magistrate of First Class, Khammam.

The petitioner is a retired Medical Officer, who allegedly committed certain serious irregularities. The specific allegations in the complaint dated 30.05.2013 are as follows:

1. Without verifying the common merit list of 2nd ANM posts, proceeded the file and given posting orders for two ineligible candidates.
2. Without initiating any disciplinary action for the unauthorized absence of Sri Sk.Maqbool Pasha took him into duty irregularly.
3. Addressed a letter to Director of Health A.P. Hyderabad to permit the conversion of Sri B.Rama Krishna the L.D. computer to Jr. Assistant without enrooting the file through concerned section and without receiving any representation from Sri B.Rama Krishna.

On receipt of the complaint referred above, the Police, II town Police Station, Khammam, registered a case under Sections 420, 468 and 471 IPC in Cr.No.220 of 2013 on 30.05.2013, investigated into, and filed charge sheet in C.C. No.1196 of 2013 against the petitioner.

The main contention of the petitioner is that the allegations made against him would attract the misconduct within the definition of Rule (3) of AP civil services (conduct)

- 2 -

Rules, but it would not attract the offence punishable under Sections 420, 468 and 471 IPC.

In the CC, the trial court proceeded with the trial, framing necessary charges, and examined the witnesses, except examination of investigating officer. As the matter is at the fag end of trial, it is not appropriate to quash the proceeding in the CC. However, the Judicial Magistrate of First Class, Khammam, is directed to decide the matter as expeditiously as possible, but not later than two months from the date of receipt of a copy of this order.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 07.11.2016
BV

