

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.8355 of 2016

Order:

This Criminal Petition, under Section 482 of Cr.P.C, is filed to quash the proceedings in C.C.No.30 of 2013 on the file of Principle Special Judge for CBI Cases, Hyderabad, on the ground that the Inspector of Police, who was authorized to conduct investigation under Section 17(2) of the Prevention of Corruption Act, exceeded his power and found that the petitioner is possessing the property disproportionate to the known source of income.

The learned counsel for the petitioner would draw the attention of this Court that the Inspector of Police, who authorized to conduct investigation, only granted permission to investigate the case from 01-05-2005 to 14-01-2008. But, as seen from the charge sheet, the Check Period was 01.01.2005 to 31.07.2010. Therefore, the period from 01-01-2005 to 01-05-2004 i.e., four months and from 14.01.2008 to 31.07.2010, is without any authorization to conduct the investigation by the Inspector of Police.

Since the investigating Officer was authorized to conduct investigation from 01-05-2005 to 14.01.2008, the extending period after 14.01.2008 i.e., from 15.01.2008 to 31.07.2010, is an illegal or not, cannot be decided at this stage while deciding an application filed under Section 482 Cr.P.C.

When the Inspector of Police was authorized to conduct investigation from 01-05-2005, he continued to hold authorization for subsequent periods also is a moot question to be decided. Since the major part of the trial is completed and posted for evidence of Investigating Officer, I cannot express any opinion at this stage whether the investigation conducted by the Inspector of Police is vitiated due to lack of authorization for a period of four months prior to 01.05.2005 and for a period of 2 years i.e., from 15.01.2008 to 31.07.2010. However, the matter pertains to the year 2013, the Special Judge for trial of CBI Cases, Hyderabad, is directed to dispose of the C.C., as expeditiously as possible in any event, not later than six months. It is left open to the petitioner to raise such objection during the course of hearing and on raising such objection, the trial Court shall records its findings on the objections raised by the petitioner.

Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 31-08-2017

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Dt. 31-08-2017

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